ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE
FIRST SPECIAL SESSION 1984

VOL. III

GEORGE C. WALLACE, Governor
WILLIAM J. BAXLEY, Lieutenant Governor
JOHN A. TEAGUE, President Pro-Tem of the Senate
TOM DRAKE, Speaker of the House
ROY JOHNSON, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1984 Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

Hammurabi, the King of Babylon, initiated a practice some 4000 years ago which has become a cornerstone of democratic government—a written code of laws. This ancient concept of the public's right to know is acknowledged and protected by the "due process clause" of the Fourteenth Amendment of the United States Constitution, the Alabama Constitution, and the Code of Alabama, which require that Alabama's laws be published and made available to the public.

However, because the laws are available to the public does not necessarily mean that they are accessible. It is said that one of the hateful acts of the ill-famed Roman Emperor Caligula was that of having the laws inscribed on a pillar so high that the people could not read them. In an effort to lower the "pillar" a tiny notch, and thereby make our laws slightly more accessible for those who are regular users of the Alabama Acts, a new numbering system was initiated in the 1979 session.

Under this system, every act of the Legislature, regardless of the type of session in which it was enacted, is numbered sequentially in the order received by the Secretary of State. Numbering begins at the commencement of each calendar year and incorporates a two-digit prefix corresponding to the last two digits of the year of enactment. For example, the first act received from the Governor in 1983 is designated as Alabama Act 84-1, the second act is 84-2, and so forth.

Suggestions regarding the organization, publication and distribution of these acts are welcomed.

Don Siegelman
Secretary of State

ALABAMA LAWS

And Joint Resolutions

FIRST SPECIAL SESSION 1984

Act No. 84-669 H.J.R. 2—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved June 5, 1984

Time: 2:30 P.M.

Act No. 84-670 H.J.R. 3—Rep. Johnson (Roy)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 22, 1984, we adjourn to meet again on Wednesday, May 23, 1984, and Tuesday, May 29, 1984.

Approved June 5, 1984

Time: 2:30 P.M.

Act No. 84-671 S. 31—Senator Covington

AN ACT

To propose an amendment to the Constitution of Alabama 1901, relating to the eradication or control of the boll weevil in cotton; allowing the Legislature, by general law, to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit organization for the sole purpose of eradicating or controlling the boll weevil.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of

Alabama of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

Eradication or Control of the Boll Weevil in Cotton Notwithstanding any other provision of this Constitution, the Legislature may hereafter, by general law, provide for the eradication or control of the boll weevil in cotton. The Legislature may provide for and is authorized to provide means and methods for the financing of this activity by prescribing a procedure whereby cotton growers may, by referendum held among such growers in this State, levy upon themselves and collect assessments, fees and charges, based upon the amount of acreage of cotton planted. The Legislature is authorized to make provisions for non-payment of such assessments. The Legislature shall provide for the collection and distribution of assessments or charges authorized hereunder and to provide penalties for failure to pay said assessments. The Legislature shall provide for the designation of a non-profit organization which has been organized for the purpose of eradicating or controlling the boll weevil in cotton; to administer and carry out said eradication or control program; to also include conducting elections or referendums among cotton growers.

The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated organization of any funds received, subject to the supervision and control of the activities authorized herein by the State Department of Agriculture and Industries and the State Board of Agriculture and Industries. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. The Legislature shall further provide a procedure for the examination and auditing of said organization and for reasonable rules and regulations to be adopted by the State Board of Agriculture and Industries; to effectively carry out the intent and purposes herein enumerated. Any uniformity requirements of this Constitution shall be satisfied by the application of the program to eradicate or control the boll weevil in cotton.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama (1975).

Section 3. Notice of the election and of the proposed amend-

ment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate May 30, 1984

Passed the House June 5, 1984

Act No. 84-672 S. 15—Senator Goodwin

AN ACT

To amend Section 40-20-2, Code of Alabama 1975, so as to provide certain exemptions for occluded natural gas produced from coal seams and to provide for an expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-20-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-20-2.

"(a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided herein. All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production; and all oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six percent of gross value of said oil or gas production at the point of production.

However, any well which begins commercial production of occluded natural gas from coal seams after the effective date of this paragraph shall be taxed at the rate of two percent (2%) of the gross value of said occluded natural gas from coal seams at the point of production for a period of five years after such well begins production.

"(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be alien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

"(c) A county, city, town, or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business or producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in Section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in Section 40-20-1.

"(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in Section 40-20-1.

"(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the ag-

gregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any".

Section 2. The Provisions of this amendatory act shall expire ten years after the effective date of this act and said provisions shall be void and have no further effect.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1984

Time: 3:20 P.M.

Act No. 84-673 S.J.R. 4—Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

DECLARING JUNE 1984, "SELECTIVE SERVICE REGISTRATION AWARENESS MONTH".

WHEREAS, the Legislature of Alabama notes that over one million United States citizens have sacrificed their lives in military service to protect the rights and freedoms of all Americans, and registration for the Selective Service System is an integral part of current preparedness to preserve these rights and freedoms in the future; and

WHEREAS, peacetime registration for Selective Service contributes to the readiness of our country by greatly reducing the time required for a full defense mobilization; and

WHEREAS, the Legislature of Alabama further notes with

pride that nearly 213,000 Alabamians, representing 98.54% of the state's potential registrants, have registered with the Selective Service System since resumption of registration and by so registering are contributing to the national defense preparedness of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby proclaim the month of June 1984, as "Selective Service Registration Awareness Month" in Alabama and urge all our citizens to recognize the importance of the Selective Service System in protecting our nation.

Approved June 7, 1984

Time: 3:20 P.M.

Act No. 84-674 S.J.R. 5—Senator Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. JACQUELINE JACKSON NORMAN OF AUBURN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the untimely death of Mrs. Jacqueline (Jackie) Jackson Norman of Auburn, Alabama, on May 16, 1984, at the early age of just 43 years; and

WHEREAS, Mrs. Norman, a native of Rockford, Alabama, and a graduate of Tallaega High School and Auburn University, had held teaching positions at Auburn Junior High School, Tuskegee, Chavala, Central in Phenix City and at Holy Trinity School; and

WHEREAS, Mrs. Norman, who at the time of her death was serving as executive director of the Auburn Chamber of Commerce, was a prominent community leader who worked with loyal enthusiasm and support in numerous capacities of leadership and involvement; and

WHEREAS, in addition to her administrative duties with the Auburn Chamber of Commerce, Mrs. Norman also was a successful businesswoman and was a member of such organizations as the Auburn High School Quarterback Club, Alpha Gamma Delta Sorority, Mortar Board, Auburn Beautification Council and the Auburn Heritage Association; and

WHEREAS, she also served on the administrative board of her church, Auburn United Methodist Church; as secretary to the Au-

burn Industrial Development Board; and as alumni advisor to the Auburn Chapter of Mortar Board; now therefore,

BE IT RESOLVED THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Jacqueline Jackson Norman of Auburn, Alabama, and extend our very deepest sympathy to her husband, Mr. Dan Norman; her sons, Drew and John Norman; her mother, Mrs. Cora Lee Newell; and other family members, whose sorrow we truly share and for whom copies of this resolution shall be provided.

Approved June 7, 1984

Time: 3:25 P.M.

Act No. 84-675 S.J.R. 6—Senator Little

SENATE JOINT RESOLUTION

HONORING HANIEL JONES UPON HIS RETIREMENT FROM AUBURN UNIVERSITY.

WHEREAS, Haniel Jones, student, instructor, counselor and administrator at Auburn University since 1957, retired April 30, 1984; and

WHEREAS, the native of Birmingham first entered the Methodist Ministry in 1945 and he served in that ministry until 1982, which ministry took him to serve the missions in Burma until he entered Auburn University in 1957; and

WHEREAS, many of the Auburn students and alumni have felt his outreach, efficiency, compassion and intelligent counseling in the engineering school from which he graduated in 1967; and

WHEREAS, Haniel Jones received his civil engineering degree in 1967 after ten long years of work-study, which included counseling the enrolling students in civil engineering; and

WHEREAS, Haniel Jones has won a place in the hearts of Auburn University faculty, staff and administrators as well as the students for his mild manner and dedication; and therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to Mr. Haniel Jones congratulations for his commendable, praiseworthy and dedicated service to Auburn University and do convey best wishes for an active retirement of travel, carpentry, gardening and the enjoyment of his family.

BE IT FURTHER RESOLVED, That we do direct that the

Secretary of State send a copy of this resolution to Mr. Jones so that he may know of our esteem.

Approved June 7, 1984

Time: 3:25 P.M.

Act No. 84-676 S.J.R. 8—Senator Foshee

SENATE JOINT RESOLUTION

NAMING H.B. 46, THE "TURNHAM-STRONG ACT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT H.B. 46, as enacted, shall be known as the "Turnham-Strong Act."

Approved June 7, 1984

Time: 3:25 P.M.

Act No. 84-677 S.J.R. 9—Senator Foshee

SENATE JOINT RESOLUTION

NAMING H.B. 625, THE "DAVIS-STRONG ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that H.B. 625, as enacted, shall be known as the "Davis-Strong Act."

Approved June 7, 1984

Time: 3:25 P.M.

Act No. 84-678 S.J.R. 10—Senator Foshee

SENATE JOINT RESOLUTION

NAMING H.B. 294, ACT 84-306 OF THE 1984 REGULAR SESSION, THE "BIDDLE-STRONG ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H.B. 294, Act 84-306 of the 1984 Regular Session, shall be known as the "Biddle-Strong Act."

Approved June 7, 1984

Time: 3:25 P.M.

Act No. 84-679 S.J.R. 19—Senator Teague

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. LEONARD LOVVORN COOLEY OF CULLMAN COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. Leonard Lovvorn Cooley of the Fairview Community of Cullman County, Alabama, on May 19, 1984; and

WHEREAS, Mr. Cooley, a native and lifelong resident of Cullman County, also was a lifelong farmer and was noted for his ingenuity in introducing innovative methods which were reflected in the success of his extensive, modernized farming operations; and

WHEREAS, a former county committee member of the Agricultural Stabilization and Conservation Service, Mr. Cooley also had been actively involved for many years in the leadership of the local farmer's cooperative, and was a member and supporter as well of numerous other civic and community organizations; and

WHEREAS, Mr. Cooley is survived by one son, our friend State Senator Steve Cooley, and by his daughter, Mrs. Susan Cooley Puckett, whose grief in the death of their beloved father is a sorrow we truly share; now therefore,

BE IT RESOLVED THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Leonard Lovvorn Cooley of Cullman County, Alabama, and direct that copies of this resolution be provided for our friend, Steve Cooley, and for Mr. Cooley's daughter, Mrs. Susan Puckett.

Approved June 7, 1984

Time: 3:25 P.M.

Act No. 84-680 S.J.R. 20—Senator Teague

SENATE JOINT RESOLUTION

NAMING HOUSE BILL 670 THE BROWDER EDUCATIONAL REFORM ACT.

WHEREAS, Representative Glen Browder was the sponsor of House Bill 670 and worked diligently toward the passage of this bill, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That House Bill 670 shall be known as the Browder Educational Reform Act.

Approved June 7, 1984

Time: 3:25 P.M.

Act No. 84-681 H. 153—Rep. Reed

AN ACT

Proposing an amendment to the Constitution of Alabama 1901, providing for the membership, manner of election and terms of the members of the board of education for Macon County, Alabama and providing that this amendment shall be self-executing.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama are fulfilled:

PROPOSED AMENDMENT

Beginning with a special election in 1984 and thereafter, the Macon County board of education shall be composed of six members who shall serve and be elected from four school districts in the county. A committee of 12 persons shall be appointed by the legislative delegation representing Macon County, to draw the school board district lines so as to ensure the one man one vote concept and to meet the requirements of the U.S. Justice Department. This committee shall be appointed within 5 days of the ratification of this amendment and shall publish their decision on the said district lines within 10 days after their appointment and shall immediately submit their decision on the district lines to the U.S. Justice Department. As soon as the committee obtains an approved plan from the Justice Department, they shall certify the decision to the probate judge of Macon County and those district lines shall be the district lines established for the election of school board members. Any candidate for a seat on such school board shall qualify and be elected, as provided by law, by the qualified electors of the school board district wherein he or she resides. Such board members shall serve staggered six-year terms of office and shall be elected in the follow-

ing manner: In a special election held for such purpose in 1984 and every six years thereafter in the general election, school districts No. 3 and No. 4 shall each elect one member to such board; in the 1986 general election and every six years thereafter, school districts No. 1 and No. 2 shall each elect one member to such board; and, in the 1988 general election and every six years thereafter, school district No. 1 shall elect two members to such board. The legislature, from time to time, may provide by local law for the selection of a chairperson for such board and for the compensation and duties of the members thereof. The provisions of this amendment shall be self-executing, but the legislature shall have the right and power by general, special or local law to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth. In the interest of time and because of the time limitation between the effective date of this proposed amendment and the forthcoming 1984 general election, the Macon County board of education members whose seats are scheduled to be filled as provided herein in 1984, shall be elected by a simple majority of votes in the 1984 general election with the candidate from each district receiving the highest number of votes being elected without a run-off election. After the said 1984 general election, all Macon County board of education members will be elected through the normal party primary election process and run-off elections as otherwise provided.

Section 2. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 3. An election upon the proposed amendment is ordered to be held at a special election in Macon County after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901 and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

CONSTITUTIONAL AMENDMENT

Passed the House May 31, 1984

Passed the Senate June 7, 1984 as amended

House concurred in Senate amendment June 7, 1984

Act No. 84-682 S.J.R. 35—Senators Dixon, Bennett, Hand and Hilliard

SENATE JOINT RESOLUTION

DESIGNATING ACT NO. 84-447 AS THE ELLEN MARSHALL BENNETT ACT.

WHEREAS, Ellen Marshall Bennett, as chairperson for Citizens for a Safe Environment, has worked diligently over the years to protect Alabama's environment, and

WHEREAS, in her role as head of the Birmingham-based environmental group, she led the fight against unsuccessful attempts by Ashvins, U.S.A. in locating toxic waste storage facilities in heavily-populated Homewood, and along the Warrior River in West Jefferson County in 1980 and 1981, and

WHEREAS, as a knowledgeable spokesperson on toxic and hazardous waste issues, she has kept close watch on developments at the giant Chem-Waste plant at Emelle, and

WHEREAS, she was author of legislation to locate a three-member team of experts from the Alabama Department of Environmental Management at Emelle to daily monitor dumping and disposal activities which passed as Senate Bill 382; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That (S.B. 382) Act No. 84-447 of the 1984 Legislature is hereby designated as "the Ellen Marshall Bennett Act".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Bennett with our deep appreciation for a job well done.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-683 S.J.R. 32—Senators Bennett, Cabaniss, Hilliard, Amari and Parsons

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF THERA HOLLAND RICHTER.

WHEREAS, Mrs. Thera Holland Richter, director of planning

and community development for Jefferson County, died unexpectedly May 28, 1984, and

WHEREAS, Mrs. Richter who had held the county position for nine years was considered by planning and development officials statewide as a person of the highest professional ability, and

WHEREAS, in 1982, she was elected to the board of directors of the National Association of County Planning Directors, and

WHEREAS, prior to joining the county she was associated with the Birmingham Regional Planning Commission, and

WHEREAS, Mrs. Richter was a president's associate at the University of Montevallo and a member of Mortar Board and Phi Chi Theta, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that we mourn the loss of this long-time community leader and express deepest sympathy to her family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to her husband, Marvin O. Richter, with our condolences.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-684 S.J.R. 31—Senators Langford and Dixon

SENATE JOINT RESOLUTION

HONORING THE FINLEY-HOLLOWAY FAMILY ON ITS FORTHCOMING FAMILY REUNION.

WHEREAS, the Alabama Legislature notes with sincere praise and pleasure the forthcoming Finley-Holloway reunion, July 1-4, 1984; and

WHEREAS, the origin of the Finley family has been traced to the 1600s when a young slave, Sam, assumed the name of his master, Bill Finley of LaFayette, Alabama, as was the custom of the times; and

WHEREAS, gathering in Montgomery for their fourth reunion will be descendants of Tom, one of four children born to Sam Finley and his wife Celicia; and

WHEREAS, host for this occasion will be Mr. Elliott Finley who resides in Montgomery and is a disabled veteran and Purple

Heart recipient of World War II; he was a member of the all black 92nd Infantry Division, serving in Italy; and

WHEREAS, the Finley-Holloway family tree, which became closely joined through the marriages of three Finley brothers to three Holloway sisters and cousins, boasts numerous members who have been highly successful in the business and professional fields; and

WHEREAS, to be most particularly honored, however, for extraordinary achievement, are: Councilman Morris Finley of Atlanta; attorney Jim Finley of Atlanta; broker-realtor Wendy Young of Detroit; realtors Yvonne Walker and Poppy Marable of Atlanta; doctoral candidate Yvonne Brown Hargrove with the Alabama State Department of Education; Bell Telephone associates Lamar and Erma Zachery of Detroit; and Mrs. Nocile Streeter of Pratt City, Alabama, the matriarch of the Finley-Holloway Clan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby honor the Finley-Holloway family on the occasion of its forthcoming reunion and direct that the family receive a copy of this resolution in declaration of our sincere praise of their fourth reunion, and those thereafter to be annually observed.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-685 H.J.R. 5—Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING COMMISSION PRESIDENT DAN WILEY.

WHEREAS, Dan Wiley has served as President of the Mobile County Commission for eight years and during that time has many significant accomplishments to his credit; and

WHEREAS, Dan Wiley was instrumental in Mobile County implementing the "Pay-As-You-Go" Road Program which enabled Mobile County to pave many additional miles of road, which it otherwise would have been unable to do, and decrease its long term bonded indebtedness while producing a surplus each year; thus insuring the future financial integrity of Mobile County; and

WHEREAS, Under Dan Wiley's leadership, Mobile County has consistently operated on a balanced budget expanding existing ser-

vices and providing additional ones at no extra cost to the taxpayers; and

WHEREAS, Dan Wiley was instrumental in expanding the Mobile County Courthouse and completing said project ahead of schedule and under cost projections; and

WHEREAS, Dan Wiley has worked diligently in behalf of Mobile County employees, always willing to give more when possible and explaining why when it was necessary; and

WHEREAS, Dan Wiley has put government on a sound financial basis, made it more responsive to the desires and the needs of the people and has done all of this without mortgaging the future of the citizens of Mobile County, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and honor Dan Wiley for his leadership, numerous accomplishments and dedication to his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dan Wiley to show our appreciation.

Approved June 8, 1984

Time: 3:00 P.M.

Act. No. 84-686 H.J.R. 7—Rep. Blake

HOUSE JOINT RESOLUTION

COMMENDING "THE BAMA RAMBLERS" FROM PELL CITY, ALABAMA.

WHEREAS, the Alabama Legislature takes great pride in noting the numerous accomplishments of the Bama Ramblers from Pell City, Alabama; and

WHEREAS, organized in 1979, the Bama Ramblers is a clogging group who has represented the citizenry of Alabama in a variety of clogging contests; and

WHEREAS, under the coaching leadership of Jan and Donald Arnett, along with their sixteen-year-old daughter, the group has been invited to perform at the Louisiana World Exposition of 1984 in New Orleans on July 14th; and

WHEREAS, the Bama Ramblers performed at the World's Fair in Knoxville in 1982 and have been the recipients of many awards including the sportsmanship trophy at Toccoa, Georgia, in 1983 and

the first place trophy at the World Clog Dance Championship in Marietta, Georgia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Bama Ramblers of Pell City, Alabama, on their numerous accomplishments and request that a copy of this resolution be sent to the group as evidence of our high esteem and warmest personal regard

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-687 H.J.R. 8—Rep. Blake

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JESSE ORBON DAFFRON ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the Golden Wedding Anniversary on April 7, 1984, of Mr. and Mrs. Jesse Orbon Daffron of Pell City, Alabama; and

WHEREAS, in the sight of God, Jesse Orbon Daffron and his lovely bride, Miss Lillian Irene Meads, were joined in wedlock on April 7, 1934, at the Parsonage of the Ragland Methodist Church and these two fine people, forsaking all others, have remained in said Holy State for fifty years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by other couples who, in wedlock, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Daffron, both of whom have been members of the Methodist Church their entire married life, are the parents of five children—three daughters and two sons—and the grandparents of eight fine grandchildren; the couple, former longtime residents of Ragland, were honored by their children with a reception held May 20, 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Pell City, Alabama, Mr. and Mrs. Jesse Orbon Daffron, and wish them

many more happy years together in their union blessed by God and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Daffron receive a copy of this resolution expressing our congratulations and warm best wishes for their future.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-688 H.J.R. 9—Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING MR. BOBBY C. BOLT OF DELTA, ALABAMA, STATE FFA'S FUTURE FARMER OF THE YEAR, 1984.

WHEREAS, the Alabama Legislature, in congratulatory commendation, notes the selection of Mr. Bobby C. Bolt of Delta, Alabama, as the State FFA Future Farmer of the Year for 1984; and

WHEREAS, this prestigious award was bestowed in recognition of Mr. Bolt's numerous school and community activities, FFA involvement and leadership ability; Mr. Bolt further was selected from among the State association's membership of some 25,000; and

WHEREAS, a graduate of Lineville High School, Mr. Bolt also attended both Southern Union Junior College and Jacksonville State University; he now is engaged in the operation of a cattle farm, assists with the operation of his parents' 100,000 capacity broiler farm, and is a part-time bookkeeper; and

WHEREAS, as a high school and junior college honor student, Mr. Bolt was a member of the Senior Beta Club, Mu Alpha Theta mathematics honorary, member and captain of Lineville's Scholar Bowl Team, and member of Phi Theta Kappa; he further served on his high school's yearbook staff, student council, school Geometry and Algebra team and was senior class Salutatorian and Boys' State delegate; and

WHEREAS, in FFA involvement, Mr. Bolt has received innumerable recognitions of achievement including, among others, election to local FFA chapter office, convention delegate, the American Farmer Degree, state and regional Proficiency Awards and DeKalb's Agricultural Achievement Award; and

WHEREAS, Mr. Bolt, in concerned citizenship, is a member of the Randolph County and Alabama Cattlemen's Associations, Randolph and Clay Counties Poultry Associations, Alabama Beef Cattle

Improvement Association, Alabama and American Angus Associations, Clay County Co-op, Randolph County Young Farmers, Delta Community Club, Mount Moriah Baptist Church and is an organizer of the Delta Volunteer Fire Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Bobby C. Bolt for outstanding FFA achievement and community involvement, and direct that he receive a copy of this resolution in token of our sincere warm praise and esteem.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-689 H.J.R. 10—Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING MR. HERBERT CLAYTON BATT OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING PROFESSIONAL AND COMMUNITY SERVICE.

WHEREAS, a prominent Huntsville, Alabama, pharmacist, Mr. Herbert Clayton Batt is a graduate of Howard College, Birmingham, with the B.S. degree in pharmacy; he is a member of the American Pharmaceutical Association and a member and past president of both the Madison County and Alabama Pharmaceutical Associations; and

WHEREAS, he further professionally serves as adjunct faculty member of the Auburn University School of Pharmacy where he gave the "Recognition of Seniors" address at the 1981 graduation, and he was an Alabama Pharmaceutical Association delegate to the American Pharmaceutical Association in 1971; and

WHEREAS, among numerous of Mr. Batt's honors and recognitions of achievement are the 1969 Bowl of Hygeia award for service and the Auburn University Phi Lambda Sigma Leadership Award in 1978; and

WHEREAS, Mr. Batt's community involvements, both past and present, are numerous as well and include such areas as P. T. A., Chamber of Commerce, Sertoma, Mental Health and Family Counseling Associations, the Huntsville Industrial Expansion Committee, United Givers Fund, Little League, Youth Services, Inc., Planned Parenthood, YMCA, Family Services Center, public health and drug abuse, among others; in many of these organizations and areas, Mr.

Batt served in capacities such as director, officer and committee chairmanship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mr. Herbert Clayton Batt of Huntsville, Alabama, both for extraordinary professional achievement and outstanding community service.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Batt that he may be aware of our sincere praise and warm personal regard.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-690 H.J.R. 11—Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING MR. WILLIAM F. DAVOREN FOR OUTSTANDING PROFESSIONAL ACCOMPLISHMENT AND SERVICE TO THE HUNTSVILLE COMMUNITY.

WHEREAS, Mr. William F. Davoren of Huntsville, Alabama, is a prominent pharmacist, businessman and civic leader who has contributed significantly in numerous areas of community concern; and

WHEREAS, the former president of the Alabama Pharmaceutical Association, Mr. Davoren is a Massachusetts native and graduate of the Massachusetts College of Pharmacy, Class of 1935; he has continuously practiced since that time with the exception of five years distinguished military service during World War II; and

WHEREAS, Mr. Davoren has been a resident of Huntsville since 1946 and his marriage to the former Miss Brownie Anne Holmberg of that city; and

WHEREAS, he has been professionally honored by such distinctions as the Bowl of Hygeia for outstanding service and through election of his peers to numerous offices of the Alabama Pharmaceutical Association, on local and district levels, prior to the State Presidency; he further has attended numerous conventions of APA and NARD and was an official delegate to the NARD convention during his term as APA president; and

WHEREAS, Mr. Davoren also has long been involved in service to his community as a member and/or officer in such organizations as the United Givers Fund, American Red Cross, Association of the

U.S. Army, Knights of Columbus, PTA, Madison County Mental Health Association, American Legion and the Catholic Church; he further has served as a member of the State Board of Pharmacy and the Huntsville Hospital Board of Control; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mr. William F. Davoren, prominent Huntsville, Alabama Pharmacist, businessman and civic leader.

BE IT FURTHER RESOLVED, That in token of our esteem, a copy of this resolution shall be forwarded to Mr. Davoren.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-691 H.J.R. 12—Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING BOBBY KELLER OF MADISON, ALABAMA, STATE ESSAY CONTEST AWARD WINNER.

WHEREAS, the Alabama Legislature notes with highest commendation the numerous outstanding accomplishments of Bobby Keller, Madison, Alabama; and

WHEREAS, among his most recent recognitions for achievement was the selection of his essay on "Employees: Disabled People Working," as the State's fourth place winner in the recent National Journalism Contest sponsored by the Governor's Committee on Employment of the Handicapped, the Alabama State Employment Service and the Vocational Rehabilitation Service; and

WHEREAS, Bobby Keller is a senior at Bob Jones High School where he is an outstanding scholar-athlete, having participated as a varsity stand-out in both football and basketball; and

WHEREAS, Bobby Keller, who was elected by vote of the Bob Jones student body as "Mr. Bob Jones," will attend the University of North Alabama on a football athletic scholarship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Bobby Keller of Bob Jones High School, Madison, Alabama, as a statewide winner in the 1984 National Journalism Contest; we further express sincere praise of his numerous other accomplishments and direct that he receive a copy of this resolution in small token of our highest regard.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-692 H.J.R. 19—Reps. Moore, Tanner

HOUSE JOINT RESOLUTION

COMMENDING VINCENT HIGH SCHOOL BASEBALL TEAM.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Vincent High School baseball team, whose outstanding season of 19 wins and 4 losses culminated in winning the best of three series with West Blockton to claim the 1984 2A state high school baseball championship; and

WHEREAS, the 1984 championship was achieved under the direction of Coach Kenny Wright, who handled his small club with the consummate skill of a seasoned skipper; and

WHEREAS, this champion club is composed of Blaine Shaw, Max Whitfield, Derik Whitfield, Cedric Riggins, Reginald Riggins, Rodney Fincher, Jimmy White, Jimmy Howard, Heath Reynolds, George McConnico, Demetrius Melton, Cory Wallace, Russell Campbell, Bubba Moore, Robby Greene, and Pat Kelow, who each contributed to achieving the laurels the ball club now proudly possesses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Principal Wayne Lowe, Coach Wright, and the Vincent High School baseball team and student body for their championship season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Wright on behalf of his team, with a copy also provided for appropriate school display.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-693 H.J.R. 22—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

CONGRATULATING THE FAIRHOPE PIRATES FOR

WINNING THE CLASS 4-A STATE BASEBALL CHAMPIONSHIP.

WHEREAS, in the quarter finals, with their backs to the wall, trailing Murphy High School of Mobile 5-1, The Fairhope Pirates Baseball Team showed the qualities of teamwork and strength and of coming through to go on to play in the semi-finals and finals; and

WHEREAS, The Pirates have gone to the state play-offs every year since 1979; and

WHEREAS, they finished the season with a 33-6 record, and an incredible 136-36 record over the past five years; and

WHEREAS, on Saturday, May 20, 1984 at Fairhope Municipal Park, the Pirates of Fairhope High School won, for the second year in a row, the Class 4-A State Baseball Championship with a 9-8 victory over Austin of Decatur in the final game; and

WHEREAS, their Coach, Keith Powell, and his coaching staff are to be commended for their guidance and inspiration in creating a leading and winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Fairhope High School Pirates and their coaches on winning, for the second successive year, the Class 4-A State Baseball Championship, and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Fairhope High School for appropriate display.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-694 H.J.R. 23—Rep. Rogers

HOUSE JOINT RESOLUTION

COMMENDING MR. SYLVESTER STEWART OF "SLY AND THE FAMILY STONE".

WHEREAS, Mr. Sylvester Stewart of the renowned rock group, "Sly and the Family Stone," started his career as an entertainer in 1968, ultimately to have released some 16 recordings, each of which exceeded one million dollars in sales; and

WHEREAS, included among his hits are such sensational sellers as "Dance to the Music," "Hot Fun in the Summertime," "It's a Family Affair," "Thank You" and many, many more; and

WHEREAS, regrettably, Mr. Stewart lost both fame and personal fortune, having fallen victim to insidious addiction made manifest in a physical and psychological dependency upon drugs; and

WHEREAS, now, however, having successfully completed a rehabilitation program, Sly Stewart's star once again is on the rise as he reclaims his place in the spotlight, and is welcomed back to center stage by millions of loyal fans; and

WHEREAS, further, Mr. Stewart also is sharing his story with the world, speaking throughout the country at schools and before other youth groups, in a sincere effort to help America's teenagers avoid the pitfall of drug addiction and its resultant disastrous effect on their entire future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Sylvester Stewart as one of our nation's most outstanding talents; we further most particularly express sincere and deep praise of his efforts to inform America's youth of the danger of drugs through public acknowledgement of his own personal tragedy.

BE IT FURTHER RESOLVED, That in token of commendation and highest regard, a copy of this resolution shall be provided for presentation to Mr. Stewart.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-695 H.J.R. 24—Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING MABLE AND HASKELL SUMRALL, HUNTSVILLE, ALABAMA, ON THE OCCASION OF THEIR 55TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the Fifty-fifth Wedding Anniversary, in September, 1984, of Mr. and Mrs. Haskell Sumrall of Huntsville, Alabama; and

WHEREAS, Mr. Sumrall and his lovely bride, Miss Mable, were united in marriage in September 1929 in Laurel, Mississippi, and have remained in said Holy state for the past 55 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. and Mrs. Sumrall are the parents of three chil-

dren and the loving grandparents of seven, and they have four great grandchildren; and

WHEREAS, the family gathered with them for a week at Christmas for a cherished celebration of their fifty-fifth wedding anniversary and earlier in 1979 over 600 people attended their golden anniversary celebration in Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary Madison County couple, Mr. and Mrs. Haskell Sumrall, on their fifty-fifth wedding anniversary, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Sumrall that they may know of our congratulations and sincere best wishes for every future happiness together.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-696 H.J.R. 26—Rep. Nicholson

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. ROGER DUTTON ON THE BIRTH OF A DAUGHTER, KATIE SCARLETT.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Mr. and Mrs. Roger D. Dutton of Trinity, Lawrence County, Alabama, on the birth of a daughter, Katie Scarlett, April 27, 1984; and

WHEREAS, little Katie Scarlett, who weighted 7 pounds and 14 ounces at birth, is truly a gift of joy for our good friend and colleague, Representative Roger Dutton, and his lovely wife, Donna; and

WHEREAS, though Katie Scarlett has increased the population of Lawrence County by one, she is the Dutton's first child and has therefore increased the size of her family by one third, and has also appropriated proud papa's position as head of the household; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Donna and Roger Dutton, the proud parents of Katie Scarlett Dutton, born April 27, 1984.

BE IT FURTHER RESOLVED, That a copy of this resolution

be presented to Mr. and Mrs. Dutton with a copy also provided for Katie Scarlett that she may later know of the happiness and joy we shared with her parents in her birth.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-697 H.J.R. 27—Rep. Nicholson

HOUSE JOINT RESOLUTION

CONGRATULATING WALKER REGIONAL MEDICAL CENTER, INC. ON BECOMING ACCREDITED.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals surveyed Walker Regional Medical Center Inc.; and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association; and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these demanding standards; and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the quality of care consistent with current knowledge, techniques and government regulations; and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team that may include a physician, nurse, hospital administrator, and laboratory technologist visited and evaluated the performance of Walker Regional Medical Center, Inc. in twenty-four different areas, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Walker Regional Medical Center, Inc. on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-698 H.J.R. 28—Reps. Adams, Clark (J)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. HUGH ASHBY BENTLEY OF PHENIX CITY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mr. Hugh Ashby Bentley of Phenix City, Alabama, on April 13, 1984, at the age of 74 years; and

WHEREAS, a native of Phenix City, then called Girard, Mr. Bentley was a lifelong resident of his beloved community which even now mourns the death of this extraordinary man; and

WHEREAS, Hugh Bentley was indeed an uncommon man who rose from the rank of ordinary citizen to champion the causes of morality and decency for his fellowman; and

WHEREAS, it was more than three decades ago, that Hugh Bentley was elected president of the Russell Betterment Association and assumed a leadership role in the association's fight against the organized crime and corruption which had invaded his city; and

WHEREAS, Mr. Bentley, though ultimately successful in freeing his community from the chains of corruption, was the target of numerous personal attacks including the bombing of his home and a brutal beating; despite these incidents, coupled with financial hardship, Mr. Bentley persevered in his unceasing efforts to make his beloved Phenix City a better town for its children and all future generations; and

WHEREAS, thus, a community in grief mourns their personal symbol for right and good, Hugh Ashby Bentley, whose legacy to Phenix City is respectability, prosperity and freedom from strife; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Hugh Ashby Bentley of Phenix City, Alabama, and extend our very deepest and heartfelt sympathy to his wife, Mrs. Bernice Roche Bentley; his two sons, Truman and Hugh Bo Bentley; and other family members and friends whose great personal loss is one that is shared by the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Bentley's family.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-699 H.J.R. 33—Rep. Pratt

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 84-328, H. 215, 1984 Regular Session, is hereby named the "Onderdonk-Foshee Act".

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-700 H.J.R. 36—Reps. Spratt, Davis, Reed

HOUSE JOINT RESOLUTION

HONORING BISHOP PHILIP ROBERT COUSIN, SR. PRESIDENT, NATIONAL COUNCIL OF CHURCHES IN THE U.S.A. AND PRESIDING BISHOP OF THE NINTH EPISCOPAL DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH IN THE STATE OF ALABAMA.

WHEREAS, Bishop Philip R. Cousin of the African Methodist Episcopal Church is the 13th president of the National Council of Churches, assuming his presidential responsibilities in November, 1983; and

WHEREAS, Bishop Cousin leads a council made up of 31 Protestant and Orthodox communions with a total membership of over 40 million, making it the nation's largest ecumenical organization; and

WHEREAS, Bishop Cousin is an expert in the study of black religion and worship, he has led a distinguished church career, being very active in stewardship, evangelism, and Christian education; and

WHEREAS, after his ordination to the ministry of the African Methodist Episcopal Church in 1952, Bishop Cousin served as minister to a number of congregations in Florida, Virginia, and North Carolina; and

WHEREAS, in 1976, Bishop Cousin was elected the 96th Bishop of the AME Church and having been the youngest elected to this position, he is presently presiding bishop of the Ninth District of the African Methodist Episcopal Church in the State of Alabama and he brings to the NCC a wealth of experience and service in ministry, education, and human rights; and

WHEREAS, Bishop Cousin is concerned with the welfare of those unable to help themselves because of discrimination, age, oppression, or ignorance, he has devoted himself to the advancement of blacks, the needs and rights of children, and the cause of those who are hungry in Africa and the Caribbean; and

WHEREAS, Bishop Cousin has worked for voter education and registration as an important way to secure the fundamental rights of all U.S. citizens; and

WHEREAS, Bishop Cousin is able to further advance the goals of founder Martin Luther King, Jr. toward non-violent integration in his role as Vice-Chairperson of the SCLC Board for the State of Alabama; and

WHEREAS, Bishop Cousin has held many community and civic leadership positions, including the chair of the Human Relations Committee in Durham, North Carolina, and trustee on hospital, public school, and university boards in North Carolina, Bishop Cousin deepened his interest in hunger and other international issues during lengthy stays in both West Africa and the Caribbean as a student; and

WHEREAS, a native of Pittson, Pennsylvania, Bishop Cousin received his Bachelor of Arts in Philosophy and English, cum laude, from Central State University in Wilberforce, Ohio in 1953. He received his Master of Theology from Boston University, and went on to earn a doctor of ministry from Colgate-Rochester Divinity School in 1975. He is the recipient of two honorary Doctorates of Divinity, one from Kittrell College in 1960, where he also served as president from 1960-1965, and the other from Payne Theological Seminary, in Wilberforce, Ohio, in 1978; and

WHEREAS, Bishop Cousin was commissioned as Second Lieutenant in the U.S. Army in 1953, he has also gained recognition as an educator. He has taught at Duke University, the University of North Carolina at Chapel Hill, and at Southeastern Theological Seminary. He studied at Boston University's School of Education in 1961, and then at the University of Texas Educational Administration Program in 1965; and

WHEREAS, Bishop Cousin and his wife, Margaret Joan, have

five sons—four of whom are either ministers or studying to be ministers; the fifth son is 10 years old, NOW THEREFORE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express utmost praise of Bishop Philip Robert Cousin, Sr. for his dedication and diligence to the African Methodist Episcopal Churches and direct that he and his family receive a copy of this resolution and also the President of Council of Bishops of the African Methodist Episcopal Churches and to the National Council of Churches, tendered in sincere admiration and highest regard.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-701 H.J.R. 41—Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING H. B. 860 AS ENACTED.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the intent of this Legislature concerning H.B. 860; which provides for a referendum in Baldwin County regarding the creation of a Revenue Commissioner; as enacted, is that a referendum regarding combining certain offices as provided in H.B. 860 shall be held prior to July 1984, even if no other countywide referendum is held prior to said date. It is further the intent of this Legislature that all expenses connected with said referendum shall be paid by the county commission.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Baldwin County Probate Judge.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-702 H.J.R. 35—Rep. Rogers

HOUSE JOINT RESOLUTION

COMMENDING THE GRADUATES, CLASS OF '64, OF WENONAH HIGH SCHOOL, BIRMINGHAM, ALABAMA.

WHEREAS, on July 6, 7 and 8, 1984, the graduates of the Class

of 1964 of Wenonah High School in Birmingham, Alabama, will gather in reunion and in celebration of the 20th anniversary of their high school graduation; and

WHEREAS, the class planning committee has scheduled numerous functions and activities in an effort to assure a festive three-day observance by friends of yesteryear, who gather from far and near to recapture fond memories of the past; and

WHEREAS, both the committee and the returning graduates are to be commended on this auspicious occasion and it is with sincere best wishes that we extend to one and all our heartiest congratulations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend the Class of 1964 of Wenonah High School, Birmingham, Alabama.

BE IT FURTHER RESOLVED, That on behalf of the citizens of Birmingham and the State of Alabama, we welcome the returning graduates and direct that the class receive a copy of this congratulatory resolution of the Alabama Legislature.

Approved June 8, 1984

Time: 3:00 P.M.

Act No. 84-703 S. 91—Senator Holmes

AN ACT

To amend Section 11-46-23, Code of Alabama, 1975, relating to adjusting election ward lines, so as to provide for certain adjustments made to comply with the Voting Rights Act of 1965; and to amend Section 11-43-2 and 11-43-80 of the Code of Alabama 1975, relating to the power and duties of the mayor, so as to provide that the six-month time requirement may be waived to meet compliance with the Federal Voting Rights Act of 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-46-23, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 11-46-23.

"The boundaries of wards within municipalities which have been divided into wards as now defined shall so remain until changed by ordinance. Hereafter the municipal governing body may, in its discretion, readjust the boundary lines of wards and may divide or consolidate any number of wards and resubdivide the same into voting districts; provided, that no such adjustment shall be

made within three months of any election unless such adjustment is made during calendar year 1984 for the purpose of complying with the Voting Rights Act of 1965 as amended.

"Whenever the municipal governing body readjusts any ward lines or divides a ward into voting districts, the ordinance whereby the ward is established or subdivided into voting districts shall describe the territory composing the ward, and when the ward has been subdivided, the territory composing each district therein, by metes and bounds, and the municipal clerk, within five days after adoption of the ordinance, shall file with the judge of probate of the county in which the municipality lies a certified copy of such ordinance, accompanied by a map or plat of the city or town showing the boundaries of all wards and voting districts in wards into which the municipality is then divided and shall also publish notice of all such changes or adjustments of boundaries of wards and voting districts within wards in a newspaper published in such city or town, or if no newspaper is published therein then by posting notice thereof at three public places in such city or town. This published notice need not be accompanied by a map or plat of the city or town."

Section 2. Sections 11-43-2 and 11-43-80, Code of Alabama 1975, are hereby amended to read as follows:

§ 11-43-2.

"In all cities and towns at the general election to be held on the second Tuesday in July, 1980, and quadrennially thereafter, there shall be elected a mayor, who, in cities having a population of 12,000 or more according to the last or any subsequent federal census, shall not sit with the council nor have a vote in its proceedings, and he shall have the power and duties conferred in this chapter.

"In all cities and towns having a population of less than 12,000 inhabitants according to the last or any subsequent federal census, the legislative functions shall be exercised by the mayor and five aldermen. The mayor shall preside over all deliberations of the council. At his discretion he may vote as a member of the council on any question coming to a vote, except in case of a tie, in which event he must vote.

"The aldermen in such cities or towns shall be elected by the city or town at large at the first general election held on the second Tuesday in July, 1980, and quadrennially thereafter, or from wards as the said councils may determine, not less than six months before an election, and shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election.

"Provided, however, the six-months requirement in this section

may be waived when necessary to comply with a mandate by the U.S. Justice Department pursuant to the Voting Rights Act of 1965, as amended, or with an order issued by a state or federal court when such mandate or order is received prior to June 5, 1984.

"§ 11-43-80.

"(a) The mayor shall have the powers and perform the duties provided by this title and by other applicable provisions of law and shall keep an office in the city or town.

"(b) The mayor shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election; provided, however, the six-month requirement in this section may be waived when necessary to comply with a mandate by the U.S. Justice Department pursuant to the Voting Rights Act of 1965, as amended, or with an order issued by a state or federal court when such mandate or order is received prior to June 5, 1984.

"(c) In municipalities which own and operate light and power systems, municipal water systems, municipal sewage systems and municipal gas systems, one or any of them, may, by resolution of the governing body duly entered in its minutes, require the mayor to act as superintendent of such system or systems and to give so much of his time thereof as the governing body may direct. In any municipality in which a municipal board or municipal public corporation owns and operates a municipal light and power system, municipal water system, municipal sewage system and municipal gas system, one or any of them, such board or municipal public corporation may, by resolution duly entered in its minutes, employ the mayor to act as superintendent of such system or systems and to give so much of his time thereto as such board or corporation may direct. The mayor, as such superintendent of such system or systems, shall serve as purchasing agent and make all purchases authorized by the governing body, board or municipal public corporation therefor, and shall keep a check on meter readings and bids for service of the system and see that the collections thereof are made. He shall see that the system or systems are kept in proper repair and operation, shall keep an inventory showing the supplies and equipment on hand for such system or systems, shall keep a full and complete monthly financial statement of all operation costs and receipts and keep a proper inventory of the fiscal assets of such system or systems and shall handle all such data and information relative to such system or systems available for the governing body, board or municipal public corporation at such times as it shall require, but not less frequently than once every three months. For his service as superintendent of such system or systems, the mayor shall be paid, in addition to his

salary as mayor, such sum as the governing body, board or municipal corporation shall deem reasonable, but not to exceed $600.00 per month, except in cases where the governing body, board or municipal corporation requires the full-time services of the mayor as superintendent of such system or systems, in which event he may be paid not exceeding $1,200.00 per month for such service. The governing body, board or municipal corporation may, at any time it deems best, dispense with the mayor's service as superintendent.

"(d) The provisions of this section shall be curative and retroactive, and any employment of any mayor as superintendent of any such utility or utilities heretofore made by any such governing body, board or municipal public corporation, and any such salary heretofore paid to any mayor by any such governing body, board or municipal corporation for his services as superintendent of such system or systems, is hereby validated."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 6, 1984

Time: 3:00 P.M.

Act No. 84-704 S. 17—Senator Holmes

AN ACT

To provide for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit and further establish a unit for the expedient treatment of worthless checks.

Be It Enacted by the Legislature of Alabama:

Section 1. Each District Attorney is hereby authorized and empowered to establish in his discretion, a Special Services Division of his office which shall be under his direction and control and shall be organized for the following uses and purposes:

A. A section of the Special Services Division of each such District Attorney's Office may be organized as a Worthless Check Unit. Each District Attorney who elects to establish said Unit shall assign sufficient staff and resources to effectively operate said unit. The Worthless Check Unit of the Special Services Division of the District Attorney's Office shall be created for the purpose of processing of worthless checks.

B. Procedures:

1. Complaint referrals: After following the requisites of Sec-

tion 13A-9-13.1, any party holding a worthless negotiable instrument may present a "complaint" to the Worthless Check Unit of the Special Services Division of the District Attorney's Office. Upon receipt of such complaint, said complaint shall be evaluated by the Worthless Check Unit, under the direction of the District Attorney to determine whether or not said complaint is appropriate to be processed by the Worthless Check Unit.

(a) Guidelines to be used in the determination of whether a complaint has been appropriately filed may include but are not limited to the following:

(1) The amount of the check as recited in the complaint;

(2) Whether the defendant has a prior criminal record of violations involving issuing worthless checks;

(3) The number of checks previously received by the District Attorney on this particular defendant;

(4) Whether the defendant has any worthless check charges pending; and

(5) The strength of the evidence of intent to defraud the victim.

(b) Complaint withdrawals: If after filing a "complaint" with the Worthless Check Unit the victim wishes to withdraw the complaint for good cause, the victim shall satisfy the service charge of $30.00 to the Worthless Check Unit for processing said complaint.

2. Notice: After approval of the complaint, a warrant may be issued by an appropriate warrant magistrate, and the warrant may be held by the Worthless Check Unit. After issuance of a warrant or upon approval of a complaint by the Worthless Check Unit, the Unit shall notify the individual charged with violating § 13A-9-13.1 of the Code of Alabama by issuing a notice to such individual that a warrant has been issued for his arrest or that a complaint has been received by the Worthless Check Unit. Said notice may be sent by mail. Such notice shall inform said accused that he may be eligible for deferred prosecution for violation of § 13A-9-13.1 by voluntarily surrendering himself to the Worthless Check Unit within 10 business days from the date of the notice.

3. Voluntary Surrender: Upon voluntary surrender, the accused may be presented with the warrant or complaint and prosecution of same may be deferred upon payment of restitution and the service charge for processing the check, to the Worthless Check Unit. Upon election by the Worthless Check Unit, the accused may sign a restitution agreement which shall contain the terms by which the restitution and the service charge may be paid.

4. Non-surrender: If, after receiving said notice, the accused shall not voluntarily surrender himself to the Worthless Check Unit within the ten (10) business days prescribed in said notice, said violation shall be prosecuted in accordance with applicable laws and procedures.

5. Fees and restitution:

(a) Definitions:

(1) Fees: The Worthless Check Unit of the Special Services Division of the District Attorney's Office may charge a service charge in the stated amount in the following circumstances.

(A) In those cases where the accused has been notified by mail that a warrant has been issued and same may be criminally prosecuted unless he voluntarily surrenders himself to the Worthless Check Unit within ten (10) business days from the date of said notice, and if such an accused voluntarily surrenders himself pursuant to said notice within the aforesaid ten (10) business days, the Worthless Check Unit may collect the sum of $40.00 from the accused as a service charge for processing said check. This service charge shall be increased in the same dollar amount as the court cost charged by the District Court of said judicial circuit for violations of § 13A-9-13.1 when said court cost shall be increased.

(B) In those cases when the accused does not appear within ten (10) business days from the date of the notice issued to the accused, or if no restitution agreement is made, or if the accused does not comply with the restitution agreement the case may be prosecuted in accordance with applicable laws and procedures. Upon appearance of said accused in the District or Circuit Court of said judicial circuit or the equivalent thereof and upon a finding of guilt or a plea of guilty, the Court shall order the accused to satisfy an addition service charge equal to 85% of the court cost levied by the Court for said offense. This amount shall not be in lieu of, but shall be in addition to, court costs assessed by the District or Circuit Court for said violation. Further, said service charge is to be paid to the general fund of the county to be disbursed pursuant to this act and shall not decrease any amounts allotted to any county or state agency from the court costs collected by the District or Circuit Court.

(2) Restitution: Restitution shall be defined as the face amount of any negotiable instrument (in the event of the issuance of a forged or altered instrument, restitution shall be in the amount to which the instrument was changed or altered), plus any amounts the victim may have been required to pay to a bank as a result of having attempted to process the worthless instrument.

(A) Upon filing a complaint with the Worthless Check Unit, the victim waives the right to collect restitution directly from the defendant.

(B) Restitution agreements: After an accused has been sent notification by mail of the warrant issued for his arrest and upon voluntarily surrendering himself to the Worthless Check Unit, the Worthless Check Unit may enter into a restitution agreement with the accused as to the terms by which the accused shall satisfy restitution and fees to the Worthless Check Unit. The terms of said restitution agreements shall be determined on a case by case basis by the Worthless Check Unit, but the duration of any said agreement shall be no longer than a period of six (6) months. No interest may be charged or collected on either restitution or fees charged. Said restitution agreement shall be signed by the accused and must be ratified by the Worthless Check Unit before it is effective. If the accused does not honor each term of the restitution agreement signed by him, the District Attorney's Office may proceed with the prosecution of the accused as provided by law.

(b) Collection and distribution:

(1) Restitution: Restitution shall be collected by the Worthless Check Unit and deposited into an account maintained solely for such purpose. The Worthless Check Unit shall, after a reasonable time for accounting and bookkeeping purposes, disburse to the victim all restitution collected with regard to the original complaint filed.

(2) If the victim cannot be located after a reasonable time and upon diligent efforts to locate same, the restitution due said victim shall be deposited into the Worthless Check Fund as herein provided.

(3) Fees: All fees or charges, other than court costs, collected by the Worthless Check Unit in accordance with this act shall be paid to the County Treasurer of said county in a fund to be known as the Worthless Check Fund. Sixty-five (65) percent of funds collected pursuant to Section 1(B)5(a)(1)(A) of this Act shall be used and expended by the District Attorney to defray the reasonable expenses incurred by the Office of the District Attorney. The District Attorney is hereby authorized to requisition and expend these funds for those purposes. The treasurer of the county shall make disbursements of said funds upon requisition of the District Attorney. Provided further this paragraph shall not reduce the amount payable to the District Attorney under any local act, specifically Act 83-483. Thirty-five (35) percent of said funds shall be used by the county for the reasonable expenses incurred in the administration of said program. All of the funds collected pursuant to Section 1(B)5(a)(1)(B)

and 1(B)5(a)(2) shall be deposited in the general fund of the county and shall be expended only for the reasonable and necessary expenses of law enforcement.

Section 2. This Act shall in no way prohibit or preclude the office of the District Attorney from proceeding with the prosecution of any violation of § 13A-9-13.1 as provided by applicable law and procedures heretofore enacted.

Section 3. If any provision of this act shall be declared to be unconstitutional, the remaining provisions shall remain in full force and effect and shall not be declared void unless particularly declared unconstitutional.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 6, 1984

Time: 3:00 P.M.

Act No. 84-705 H.J.R. 103—Rep. Holley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Monday, June 4, 1984, we adjourn to meet again on Tuesday, June 5, 1984.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-706 H.J.R. 25—Reps. Hettinger, Coleman

HOUSE JOINT RESOLUTION

CREATING INTERIM COMMISSIONS TO ASSESS THE STATE'S EDUCATIONAL NEEDS IN THE AREA OF HIGH TECHNOLOGY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim commission to conduct a comprehensive assess-

ment of the human and capital resource needs of all the colleges and universities which offer baccalaureate or graduate programs in the field of engineering. The commission shall be composed of a representative from each of the following institutions of higher learning: The University of Alabama, the University of Alabama in Birmingham, the University of Alabama in Huntsville, the University of South Alabama, Auburn University, and Tuskegee Institute. Each institutional representative shall be appointed by the respective university president, shall be a full time faculty member of the institution, and shall serve at the president's discretion and without compensation. The six-member commission shall issue a written report to the Governor and legislature not later than the fifth legislative day of the 1985 Regular Session. Upon the issuance of said report, the commission shall terminate.

BE IT FURTHER RESOLVED, That, additionally, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state junior, community and technical colleges with specific emphasis on training of technical support personnel for high technology programs. This assessment shall be conducted by a six-member commission who shall serve without compensation, shall be appointed by the Chancellor of the state's junior, community, and technical colleges and shall be in the full time employ of a junior, community, or technical college. This six-member commission shall issue a written report to the Governor and legislature not later than the fifth legislative day of the 1985 Regular Legislative Session.

RESOLVED FURTHER, That, in addition, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state's elementary and secondary schools in the fields of science and mathematics. This assessment shall include: (1) specific recommendations regarding the appropriate number of science and math teachers, (2) measures to encourage current math and science teachers to pursue post-baccalaureate studies in the fields of science and mathematics and (3) programs to promote the overall quality of instruction in the fields of science and mathematics. This assessment shall be conducted by a six-member commission who shall serve without compensation and shall be appointed by the state superintendent of education. The commission shall issue a written report to the Governor and legislature not later than the fifth legislative day of the 1985 Regular Legislative Session.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-707 H.J.R. 46—Rep. Smith

HOUSE JOINT RESOLUTION

HONORING THE LATE JOSEPH ELLY DANIEL FOR OUTSTANDING CONTRIBUTIONS TO THE SCHOOLS AND STUDENTS OF CHILTON COUNTY, ALABAMA.

WHEREAS, the late Joseph Elly Daniel was one of our state's most dedicated educators and one whose entire career, as a principal, was within the Chilton County School System; and

WHEREAS, a native of Marble Valley, Coosa County, Alabama, and a graduate of Jacksonville State University and the University of Alabama, Mr. Daniel also studied on the post graduate level at both the University of Alabama and at Auburn; and

WHEREAS, Mr. Daniel's lengthy career of some 38 years, 1922-1959, included tenures at Rocky Mt., Mt. Pleasant, Maplesville, Concord and Stanton; and

WHEREAS, in 1931, Mr. Daniel became principal at Maplesville High School, conducting the school's first graduation exercises for the Class of '32 which consisted of eight graduates; and

WHEREAS, for the next 27 years, Mr. Daniel served the students of Maplesville High School and the cause of education with outstanding dedication; through the years, he voluntarily assumed many extra duties and responsibilities, serving at one time both as coach and principal; and

WHEREAS, the late Joseph Elly Daniel was indeed one of Alabama's most prominent educators who not only earned the respect of his peers, but the gratitude and regard of all citizens of Chilton County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, in posthumous recognition of a distinguished educator who served above and beyond the call of duty, we hereby pay tribute to the late Joseph Elly Daniel of Chilton County, Alabama, and direct that a copy of this resolution be provided for appropriate display at Maplesville High School.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-708 H.J.R. 52—Rep. Pratt

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. PAT BUNN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the recent Golden Wedding Anniversary, on May 4, 1984, of Mr. and Mrs. Pat Bunn of Bessemer, Alabama; and

WHEREAS, on May 4, 1934, young Pat Bunn and his lovely bride, Miss Violet Stringfellow, were joined in marriage at Bessemer and have remained in said Holy State for the past 50 years; and

WHEREAS, they have since lived their lives as one, devoted each to the other, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follows; and

WHEREAS, both Mr. and Mrs. Bunn are natives of Jefferson County; Mr. Bunn has been a self-employed businessman and Mrs. Bunn, organist of West Side Baptist Church of Bessemer, for 40 years; and

WHEREAS, the parents of one son, Jerrell Bunn, Mr. and Mrs. Bunn also have three grandchildren and four fine great grandchildren; and

WHEREAS, in honor of the Bunn's 50th anniversary, their son, Jerrell and daughter-in-law, Billie, were hosts for a reception on May 6 at West Side Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Pat Bunn of Bessemer, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Bunn that they may be aware of our congratulations and of our warm best wishes on this momentous occasion.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-709 H.J.R. 54—Rep. Onderdonk

HOUSE JOINT RESOLUTION

COMMENDING MR. THOMAS E. FULLER FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Alabama Legislature notes with highest commendation the distinguished career of Mr. Thomas E. Fuller with the Alabama Cooperative Extension Service in Washington County; and

WHEREAS, Mr. Fuller has served with distinction as Extension Agent in Washington County for 15 years, as the county's 4-H Agent for ten years and as the County Agent-Coordinator, in current capacity, for five years; and

WHEREAS, included among Mr. Fuller's many significant contributions was his development of a superior 4-H program for the benefit of all youth in Washington County; and

WHEREAS, he further has greatly contributed to the economic development of Washington County, to the productivity of agriculture, countywide, and in the area of preservation and perpetuation of Washington County's natural resources; and

WHEREAS, Mr. Thomas E. Fuller, who has indeed been involved with the overall betterment of life for all citizens of Washington County, now extends his service and involvement as a member of the Board of Trustees of Alabama A & M University through his recent appointment by Governor George C. Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mr. Thomas E. Fuller, County Agent-Coordinator in Washington County; we further congratulate Mr. Fuller on his prestigious appointment to the Alabama A & M University Board of Trustees and direct that he receive a copy of this resolution in small token of the Legislature's sincere praise and regard.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-710 H.J.R. 59—Reps. Hooper, Butler, Gaston, McMillan, Kvalheim, White (G), Holmes, Seibels, Starr, Gray, McDowell, Burke, Cosby, Blake, Blakeney, McKee, Buskey (John), Rogers, Beers, Adams, Albright, Bachus, Biddle,

Black, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Zoghby.

HOUSE JOINT RESOLUTION

CONGRATULATIONS MR. AND MRS. MIKE MIKELL ON THE BIRTH OF A DAUGHTER, KIMBERLY DELAINE.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends heartiest congratulations to Mr. and Mrs. Mikell of Millbrook, Alabama, on the birth of their new daughter, Kimberly Delaine; and

WHEREAS, little Kimberly Delaine, who arrived May 19, 1984, is a beautiful eight-pound, two-ounce bundle of joy for her proud parents who are, of course, our friend and colleague, Representative Mike Mikell and his wife Sarah Joe; and

WHEREAS, also welcoming Kimberly Delaine to the family is big sister, Joy Elizabeth, who is nine years old and a lovely little lady who, as her name indicates, is a real "Joy" to her parents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Mike and Sarah Joe Mikell, and to Joy Elizabeth, on this happy occasion.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Mikells, with a copy also provided for little Kimberly Delaine that she may later know of our sincere delight in her birth that we share with all her family.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-711 H.J.R. 61—Rep. Martin

HOUSE JOINT RESOLUTION

To create and establish a Joint Interim Committee on Municipal Government of the Legislature of Alabama.

WHEREAS under the provisions of Act No. 82-379 and Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee has submitted its report to the Legislature.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns and,

WHEREAS, the current Legislature has adopted several bills studied by the Committee and will no doubt adopt several additional pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee, and

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE, THE SENATE OF ALABAMA CONCURRING, that in order to further suggest to the State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby organized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the

Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to analyze and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. An assessment and study of the impact of reduced federal funds and the problems to municipalities created thereby; the study to suggest methods whereby municipalities may continue furnishing services notwithstanding the reduction of federal assistance; the study also to include a review of the block grant delivery system of federal assistance.

2. An assessment and analysis of the progress being made in Congress on anti-trust legislation designed to overcome the adverse decision of the U.S. Supreme Court in Community Communications Company, Inc. v. City of Boulder, Colorado.

3. A study and assessment of the problems faced by municipalities because of the mounting problems connected with sanitary sewage (waste water) disposal and a suggested avenue of meeting the tremendous expenses connected with such disposal; and a suggested funding mechanism to cover the cost of disposal.

4. A study of hazardous waste disposal and suggested solutions of the problems created by hazardous wastes.

5. A study of the infrastructure needs of Alabama towns and cities with particular emphasis on the study of road and street systems and their maintenance and repair.

6. A review with recommendations, as to how municipalities can best improve the delivery of services of all types to their citizens.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1985 Regular Session of the Alabama Legislature and a final report to be submitted during the 1985 Regular Session of the Alabama Legislature and that as far as practical that all meetings of the Committee shall be held in the State Capitol and be opened to the public. The Secretary

of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's Chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Nine Thousand Five Hundred ($9,500.00) Dollars. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex-officio members of the Committee and shall receive compensation at the rate paid out members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-712 H.J.R. 62—Rep. Beers

HOUSE JOINT RESOLUTION

COMMENDING DR. J. MAURICE PERSALL, VESTAVIA HILLS, ON BEING SELECTED AS PTA SUPERINTENDENT OF THE YEAR 1983-1984.

WHEREAS, Dr. J. Maurice Persall, Superintendent of Vestavia Hills Schools, was recognized as outstanding state educator by the Alabama Congress of Parents and Teachers at their annual meeting April 27-19, 1984; and

WHEREAS, Dr. J. Maurice Persall was selected by the Congress as PTA Superintendent of the Year for 1983-84 and was nomi-

nated therefor by the Vestavia Hills PTA Council for his accessibility to parents, teachers and students alike, his innovative response to educational problems and sensibility to the needs of the special students; and

WHEREAS, Dr. J. Maurice Persall, a native of Cullman County, graduated from Cullman High School, St. Bernard College, received his master's degree in education from the University of Alabama and earned his doctorate in education from Auburn University; and

WHEREAS, Dr. J. Maurice Persall has been a dedicated educator for almost 20 years, serving as junior high school teacher in Cullman County, assistant principal and principal in the Huntsville Schools and five years as superintendent of both the Arab city school system and the Vestavia Hills systems; and

WHEREAS, by his dedication, intelligent leadership, and administrative acumen, Dr. J. Maurice Persall has won the respect and admiration of educators throughout the state; and

WHEREAS, Dr. J. Maurice Persall was selected "Outstanding Young Educator" by the Huntsville Jaycees, is president-elect of the Alabama Association of School Administrators, a member of the State Association of Supervision and Curriculum Development and is a member of the Phi Delta Kappa National Educational Honor Society and numerous civil and charitable organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend J. Maurice Persall for his dedicated service and many outstanding contributions to the field of education and the enrichment of our state, and we do send him a copy of this resolution so that he may know of our esteem.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-713 H.J.R.—Rep. Beers

HOUSE JOINT RESOLUTION

COMMENDING MISS GINGER MARIE HILL OF VESTAVIA HILLS, MISS ALABAMA NATIONAL TEEN-AGER FOR 1984.

WHEREAS, in highest commendation, the Legislature of Ala-

bama extends heartiest congratulations to Miss Ginger Marie Hill of Vestavia Hills, Alabama, as Miss Alabama National Teen-ager for 1984; and

WHEREAS, the lovely Miss Hill, who is the daughter of Mr. and Mrs. Tommy E. Hill, is a 15 year old sophomore at Vestavia High School where she is a straight "A" honor student and a member of her school's tennis team; and

WHEREAS, our 1984 Miss Alabama National Teen-ager is a member of Shades Mountain Baptist Church and is a member also of the church choir; and

WHEREAS, Ginger Marie is not only to be congratulated on her outstanding accomplishment as Miss Alabama National Teen-ager, but for extraordinary academic achievement as well, and for her participation in school, church and community activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Miss Ginger Marie Hill of Vestavia Hills High School; we further express inordinate pride in her representation of our state as the 1984 Miss Alabama National Teen-ager.

BE IT FURTHER RESOLVED, That in token of our regard and in expression of our sincere wish for every success in the forthcoming national competition and future life, a copy of this resolution shall be forwarded to Miss Hill.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-714 H.J.R. 64—Reps. Beers, Bachus

HOUSE JOINT RESOLUTION

COMMENDING COLIN LUKE OF JEFFERSON COUNTY.

WHEREAS, Colin Luke, son of Dr. and Mrs. Robin Luke, Birmingham, Alabama, will graduate from Altamont School with honors; and

WHEREAS, Colin Luke is the president of Altamont Student Council, editor of the school paper and valedictorian of the Senior Class and has been an outstanding model for his fellow classmates where his leadership and scholastic talents have earned for him the admiration of the Altamont student body and faculty alike; and

WHEREAS, Colin Luke will attend Vanderbilt University as a

Henry Sterling Vanderbilt Scholar and has won the 15th annual National Washington Crossing Foundation Scholarship Competition and the Century III Leader's Award, which has earned him a four-year scholarship, and he is a National Merit Scholar; and;

WHEREAS, Colin Luke has been a member of the Teenage Republicans of Alabama and past president and organizer of the Young Republicans of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Colin Luke for his outstanding leadership and scholastic achievements and we do convey our best wishes to him on his future academic endeavors.

RESOLVED FURTHER, That we do hereby direct the Clerk of the House to forward a copy of this resolution to Colin so that he may know of our high regard for his outstanding leadership and scholastic achievements.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-715 H.J.R. 68—Reps. Albright, Grayson, Hall

HOUSE JOINT RESOLUTION

COMMENDING THE LEE HIGH CONFEDERETTES, HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Legislature of Alabama notes in highest commendation the outstanding achievement of the Lee High Confederettes of Huntsville, Alabama, an accomplished dance team which has brought great honor to Lee High and to the State of Alabama as well; and

WHEREAS, since the team's organization some 18 years ago, the Confederettes have placed "First" or "Superior" in all competitions; and

WHEREAS, this year's honors for the 28-member Confederettes team includes 1st place and "Best Group" for overall performance at the halftime USA Camp at West College in Carrolton, Georgia; Superior Rating at the Lake Guntersville Marching Festival in Guntersville, Alabama; and the Tennessee-Georgia-Alabama Championship for Dance Teams; and

WHEREAS, further, in the Heart of Tennessee Marching Con-

test, Tullahoma, Tennessee, the Lee High Confederettes won first place in both the jazz dance and high kick competitions, 35 individual blue ribbons also were awarded and team Captain Lynn Tate was named Miss Halftime USA while Collette Wilson made the All Star team; and

WHEREAS, the Confederettes' sponsor and assistant sponsor are Shirley Henderson and Miriam Gentle, respectively, and Melinda Meadows serves as Co Captain of the team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend the Lee High Confederettes of Huntsville, Alabama, for outstanding achievement and direct that copies of this congratulatory resolution be forwarded to Lee High School for appropriate presentation and display.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-716 H.J.R. 69—Reps. Albright, Grayson, Hall

HOUSE JOINT RESOLUTION

COMMENDING THE LEE HIGH "OUR BOYS QUARTET," HUNTSVILLE, ALABAMA.

WHEREAS, the Lee High "Our Boys Quartet," Huntsville, Alabama, is composed of tenor, Doug Worlund; lead, Kirk Perry; baritone, Mike Rickles; and bass, John McIntyre; and

WHEREAS, for the second consecutive year, this outstanding quartet has achieved the highest ratings possible—I plus or Superior-plus—at the State Choral Competition; this rating was the highest mark given any group, large or small; and

WHEREAS, the Our Boys Quartet has been recognized by the International Headquarters of the Society for the Preservation and Encouragement of Barbership Quartet Singing in America, and is the first young person's quartet to be given official status and recognition; and

WHEREAS, further, this talented Lee High School group has entertained as guest artists on the Spring show of the Rocket City Barbershop Chorus "SPEBSQSA" Chapter for the past two years; they also performed for the A.E.A. State Convention in Birmingham in 1983, and are widely requested as guest performers throughout the entire State of Alabama; and

WHEREAS, the Lee High Our Boys Quartet has been instrumental, through the leadership of tenor, Doug Worlund, in organizing quartet groups in several Huntsville schools on both middle and high school levels; and

WHEREAS, the choral director at Lee High School is Vivienne Atkins and the barbershop coach is Gary Lawson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Lee High Our Boys Quartet of Huntsville, Alabama, for extraordinary accomplishment.

BE IT FURTHER RESOLVED, That copies of this resolution shall be provided for Choral Director Atkins and Barbershop Coach Lawson, with a copy also forwarded to Principal Tom Owen for appropriate school display.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-717 H.J.R. 72—Rep. Kvalheim

HOUSE JOINT RESOLUTION

WELCOMING TO ALABAMA, IN COMMENDATION, MR. GERALD M. CZARNECKI.

WHEREAS, the Alabama House of Representatives, in consensus of commendation, notes the selection of Mr. Gerald M. Czarnecki to serve as president and chief executive officer of First Southern Federal Savings and Loan Association, headquartered in Mobile, and Alabama's largest savings and loan association; and

WHEREAS, eminently qualified to assume this prestigious position, Mr. Czarnecki has been serving as executive vice president, corporate development, of Republicbank Corporation in Dallas, Texas; he previously served the corporation in various other executive positions and was formerly associated with Florida Computer Services, a multiple data center computer processing company, as chief operating officer; and

WHEREAS, Mr. Czarnecki has also served as a member of the board of directors of the Dallas Theatre Center, Junior Achievement-Dallas and Inroads-Dallas, and as chairman of the board of Inroads-Chicago; he further served on numerous financial industry committees, is an adjunct professor of Southern Methodist University, a member of the American Economic Association and the

American Institute of Certified Public Accountants, and is a frequent speaker and guest lecturer at industry meetings; and

WHEREAS, we are indeed pleased that Mr. Czarnecki now resides in Mobile and most sincerely and warmly welcome him and his family to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby most highly commend Mr. Gerald M. Czarnecki, president and chief executive officer of First Southern Federal Savings and Loan Association.

BE IT FURTHER RESOLVED, That Mr. Czarnecki receive a copy of this resolution in sincere expression of our deep admiration and regard of his extraordinary accomplishments and professional achievement.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-718 H.J.R. 76—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING PINSON VALLEY HIGH SCHOOL, STATE WRESTLING CHAMPIONS FOR 1983-1984.

WHEREAS, the Legislature of Alabama takes great pride in noting that Pinson Valley High School in Jefferson County won the 1983-1984 State Wrestling Championship; and

WHEREAS, under Head Wrestling Coach Anthony Montalto, Pinson Valley High won first place at the Gardendale Tournament, the Sectional Tournament and the State Tournament; the team held a Dual Meet Record of 9 wins and 4 losses; and

WHEREAS, members of the Varsity Team, who are to be commended for their outstanding season are as follows, Jeff Wallace, Sterling Griffin, Mike Gammell, David Forsyth, Steve Quick, Nathan Lovvorn, Howard Jones, Tim Johns, Travis Fox who was State Champion in both the 1981-1982 and 1982-1983 seasons and who had a 32 win, 1 loss record this year, Steven Burrough and John Hamilton who were 1983-1984 State Champions in their respective weight divisions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate and commend Pinson Valley High School as 1983-84 State Wrestling Champions.

BE IT FURTHER RESOLVED, That the team receive a copy of this resolution, forwarded to Coach Montalto, with a copy sent to Athletic Director Ken Walker and Principal H. O. Eubanks whose support and leadership were instrumental in obtaining the championship.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-719 H.J.R. 77—Rep. Payne, Seibels

HOUSE JOINT RESOLUTION

COMMENDING KEITH D. BLAYNEY, Ph.D., DEAN OF THE SCHOOL OF COMMUNITY AND ALLIED HEALTH AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, since 1969, the School of Community and Allied Health at UAB has been instrumental in training allied health workers for the needs of the citizens of the State of Alabama and the nation under the direction of Dr. Keith D. Blayney; and

WHEREAS, since 1983, Dr. Blayney has been working in cooperation with Project HOPE to share this educational knowledge with nations such as Jamaica, Saudi Arabia, and the People's Republic of China; and

WHEREAS, the skills of Dr. Blayney and his faculty from the School of Community and Allied Health and from the UAB Medical Center have contributed greatly to the betterment of health care delivery and, consequently, to the quality of life for citizens of these nations; and

WHEREAS, an audio-visual presentation describing the School of Community and Allied Health's Junior College/Regional Technical Institute Linkage program will be featured at a meeting of the World Health Assembly of the World Health Organization in Geneva, Switzerland, in May 1984, as part of the discussions on the Role of Universities in World Health Organization Strategies for Health for All by the Year 2000; and

WHEREAS, through the leadership of Dr. Blayney, the School of Community and Allied Health is gaining an international reputation for training allied health workers which reflects positively on UAB and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby

honor the University of Alabama in Birmingham's School of Community and Allied Health and its Dean, Dr. Keith D. Blayney, for bringing this international recognition to the Institution and the state in the area of allied health education.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the School of Community and Allied Health at the University of Alabama in Birmingham.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-720 H.J.R. 78—Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL BASEBALL TEAM, 1984 JEFFERSON COUNTY BASEBALL CHAMPIONS.

WHEREAS, the Alabama Legislature takes great pride in noting that the Hewitt-Trussville Junior High School Baseball Team recently captured the 1984 Jefferson County Baseball Championship; and

WHEREAS, under Head Coach Jimmy Parker and Assistant Coach Donnie Slaten, Hewitt-Trussville Junior High ended their regular season schedule with a 6-5 record, and their championship victory in a two out of three series over McAdory Junior High School followed a win of Pittman in the first round of the playoffs; and

WHEREAS, the Hewitt-Trussville team is to be most highly commended for its joint effort in its outstanding performance and particularly Scott Skipper, Mike Holt and Chris Drake are to be congratulated for their pitching, shortstop, third base, and catching efforts; and

WHEREAS, as a result of fine team play, the Hewitt-Trussville Junior High School Baseball Team was able to finish with an overall record of nine wins, five losses, and the Jefferson County Championship, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Hewitt-Trussville Junior High School Baseball Team upon their championship season.

BE IT FURTHER RESOLVED, That a copy of this resolution

be sent to Coaches Parker and Slaten, with a copy also provided for appropriate school display as evidence of our high esteem.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-721 H.J.R. 86—Rep. Penry

HOUSE JOINT RESOLUTION

HONORING MISS BLANCHE V. SIMMONS UPON HER RETIREMENT FOLLOWING 28 YEARS AS BAND DIRECTOR AT FAIRHOPE HIGH SCHOOL.

WHEREAS, having received her degree from the University of Southern Mississippi, and after three to four years of prior service, Miss Blanche V. Simmons came to Fairhope High School as Band Director in August of 1956; and

WHEREAS, Miss Simmons holds the distinction of being the first woman to be selected as a member of Phi Beta Mu; and

WHEREAS, she is active and holds membership in the following professional organizations: Alabama Bandmasters Association; Music Educators National Conference; The American School Band Directors Association; Women's Band Directors Association; and the National Education Association. She has conducted numerous clinics in the southern part of the United States; and

WHEREAS, with only one band director selected for each year from all band directors within the State, she is the recipient of the MAC Award; and

WHEREAS, Miss Simmons has held offices in the Alabama Band Association as District Chairman, Vice President and President. She is presently on the Executive Board of the Alabama Band Association and has been for a number of years; and

WHEREAS, under her direction the Fairhope Band has received the MAC Award for outstanding band in the State; has been consistently rated # 1 throughout their many years of competition; has received invitations and performed at the University of Southern Mississippi Conductors Conference, at the Shenandoah Valley Apple Blossom Festival, twice at the Washington Cherry Blossom Festival, twice at Six Flags over Georgia, and numerous governor's inauguration parades; and

WHEREAS, because of conflicts in schedules, the band has had to decline invitations to the Austrian Musical Festival in Vienna,

the Orange Bowl, Six Flags over Texas, and Macy's Thanksgiving Day Parade; and

WHEREAS, because of inspiration and enthusiasm in her teaching, over 30 of her former band students have stayed in the field of music, some of whom are now band directors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Miss Blanche V. Simmons for her dedication to the students of Fairhope High School, and upon her retirement following 28 years as band director.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Simmons and further, that a copy be sent to Fairhope High School for appropriate display.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-722

H.J.R. 89—Reps. Burke, Lindsey, Drake, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson,

Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby.

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. VERA ISBELL BECK OF FORT PAYNE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mrs. Vera Isbell Beck of Fort Payne, Alabama, on May 6, 1984; and

WHEREAS, Mrs. Beck, who was a native of Fort Payne, was educated in the public schools of that city, at Judson College and Auburn University, and was a former teacher of home economics in the Alexandria and Collinsville school systems; and

WHEREAS, Mrs. Beck was the wife of Mr. William Morris Beck who served as Speaker of the Alabama House of Representatives from 1947 to 1951; she also is survived by two sons, former State Representative William Morris Beck, Junior, and Robert D. Beck, and a daughter, Mrs. Frances Beck Jagoe; and

WHEREAS, the death of Mrs. Vera Beck has indeed left a deep void in the Fort Payne community where she served for many years in dedicated civic responsibility; and

WHEREAS, Mrs. Beck was a member of First Baptist Church of Fort Payne where she was a Sunday School teacher for 30 years and, during the years of World War II, was active as a Red Cross Volunteer Worker; and

WHEREAS, she further was a charter member of DeKalb Landmarks, a former Rotary Rose, and the Beck Home in Fort Payne was selected as Home of the Year by the Women's Christian Temperance Union; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Vera Isbell Beck and direct that copies of this resolution be forwarded to her husband and children that they may know of our deeply shared sorrow in their great and grievous loss.

Approved June 8, 1984
Time: 2:00 P.M.

Act No. 84-723

H.J.R. 90—Reps. Burke, Rains, Lindsey, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammel, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Zoghby

HOUSE JOINT RESOLUTION

COMMENDING U. S. ARMY VETERAN NEAL MORROW OF FYFFE, ALABAMA, FOR EXTRAORDINARY COURAGE.

WHEREAS, Mr. Neal Morrow of Fyffe, Alabama, a United States Army veteran, and graduate of Northeast State Junior College; and

WHEREAS, in early May 1984, Mr. Morrow displayed extraordinary courage in risking his own life to aid a fellow citizen in distress; and

WHEREAS, in the ensuring confrontation with an armed man who had attacked and injured his neighbor, Mr. Morrow was struck and wounded by one of three bullets fired at close range; and

WHEREAS, though Neal Morrow has been released from the hospital, he yet faces an extended period of recuperation from his wounds; we are grateful, however, that his life was spared and are grateful, as well, for his courageous presence in time of a neighbor's need and for his heroic response to her call for help; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Neal Morrow of Fyffe, Alabama, for extraordinary bravery and heroism beyond measure.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be presented to Mr. Morrow in recognition of outstanding courage and in highest tribute to a distinguished young Alabamian of whom we are inordinately proud.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-724 H.J.R. 91—Reps. Flowers, Martin

HOUSE JOINT RESOLUTION

COMMENDING THE TROY STATE BASEBALL TEAM ON ITS OUTSTANDING SEASON.

WHEREAS, the Legislature of Alabama takes great pleasure in recognizing the outstanding accomplishments of the 1984 Troy State University baseball team and its head coach, Chase Riddle, and in congratulating Coach Riddle and the Trojans on their third NCAA Division II Central Region Championship in five years, and their third-in-the-nation finish in the NCAA Division II World Series at Riverside, California; and

WHEREAS, the young men of Troy came through the loser's bracket in the Regional Tournament, held at Troy, Alabama, to advance to the National Championship Tournament; and

WHEREAS, the team's final record of 39-16 is the most wins in a season in the proud history of Troy State baseball; and

WHEREAS, the final ranking of third in the nation is the highest in the history of Troy State Baseball; and

WHEREAS, Coach Riddle has been named the Central Region "Coach of the Year" for the third time in five years; and

WHEREAS, senior second baseman Brian Pinnell has been named to the 1984 All-America Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Troy State University, its baseball Trojans, and Coach Chase Riddle for their outstanding achievements which have brought honor and recognition to their school and to our state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the baseball team, the President of Troy State, Dr. Ralph W. Adams, the Director of Athletics, Mr. Robert Stewart, and Coach Chase Riddle, that they may know of our great pride in their extraordinary accomplishments.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-725 H.J.R. 92—Reps. Flowers, Martin

HOUSE JOINT RESOLUTION

COMMENDING THE TROY STATE UNIVERSITY TRACK TEAM ON ITS OUTSTANDING SEASON.

WHEREAS, the Legislature of Alabama takes great pleasure in congratulating the Troy State University's Men's and Women's Track Teams and their coach, Charles Oliver, on their outstanding 1984 season; and

WHEREAS, the Trojans of Troy State won an unprecedented fifth consecutive Gulf South Conference Title by a record margin; and

WHEREAS, Coach Oliver was, for the third consecutive year, named Gulf South Conference "Coach of the Year"; and

WHEREAS, a record number of individuals from the Troy State Men's and Women's teams qualified to compete at the NCAA Division II National Track Championship Tournament at Cape Girardeau, Missouri; and

WHEREAS, Countess Woody earned a spot on the 1984 All-America squad in the high jump, while Jeff Weitenbeck earned a spot on the 1984 All-America squad in the 5,000 meter run; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Troy State University, its Men's and Women's Track Teams, and their coach, Charles Oliver, for their outstanding achievements.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Men's and Women's Track Teams, the President of Troy State, Dr. Ralph W. Adams, the Director of Athletics, Mr. Robert Stewart, and to Coach Charles Oliver, that they may know of the pride we take in their accomplishments, which have brought honor and recognition to their school and to our state.
Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-726 H.J.R. 93—Reps. Flowers, Martin

HOUSE JOINT RESOLUTION

COMMENDING THE TROY STATE LADY TROJAN GOLF TEAM ON ITS OUTSTANDING SEASON.

WHEREAS, the Legislature of Alabama takes great pleasure in congratulating the Troy State University Lady Trojan Golf Team and their head coach Chris Force on winning the Women's Golf Coaches Small College National Championship for the year 1984; and

WHEREAS, in four short years of existence, Troy State's women's golf team has established itself as the finest in the nation among small colleges; and

WHEREAS, the young women of Troy State have won this national title in the first year that it was established; and

WHEREAS, Debbie Hancock and Traci Boone were selected as members of the 1984 All-America team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Troy State University, the Lady Trojan Golf Team of Debbie Hancock, Traci Boone, Tracey Tolomeo, Jenny Holder, and

Kristy Vogel, along with their coach, Chris Force, for their outstanding achievement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Women's Golf Team, the President of Troy State University, Dr. Ralph W. Adams, the Director of Athletics, Mr. Robert Stewart, and to Coach Chris Force, that they may know of the pride we take in their accomplishments which have brought honor and recognition to their school and to our state.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-727 H.J.R. 94—Reps. Flowers, Martin

HOUSE JOINT RESOLUTION

COMMENDING THE TROY STATE TROJANS GOLF TEAM ON ITS OUTSTANDING SEASON.

WHEREAS, the Legislature of Alabama takes great pleasure in recognizing the outstanding achievements of the 1984 Troy State University of Trojans Golf Team, and its head coach, Mike Griffin, and in congratulating Coach Griffin and the Trojans on their third NCAA Division II National Championship, won by a convincing 18-stroke margin at Erie, Pennsylvania; and

WHEREAS, the Trojans won an unprecedented fifth consecutive Gulf South Conference Championship, by a margin of 47 strokes, at Delta State University's Course in Cleveland, Mississippi; and

WHEREAS, Coach Griffin was, for the fifth consecutive year, named Gulf South Conference "Coach of the Year"; and

WHEREAS, Chip Holcombe won the Gulf South Conference Individual Championship, and was joined on the All-Gulf South Conference Team by teammates Ben Bates and David Stover; and

WHEREAS, Chip Holcombe, Ben Bates, Terry Mobley and Joey Mabry of the Troy State squad were named to the 1984 NCAA Division II All-America Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Coach Mike Griffin and the Trojan Golf Team of Chip Holcombe, Ben Bates, Terry Mobley, Joey Mabry and David Stover, for proving that they were the best team in America, in the year 1984; we further commend Coach Griffin and these young men

for this extraordinary accomplishment which has brought honor and recognition to their school, and to our state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the golf team, to the President of Troy State, Dr. Ralph W. Adams, the director of Athletics, Mr. Robert Stewart, and Coach Mike Griffin, that they may know of our great pride in their achievements.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-728 H.J.R. 101—Rep. Blake

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. WALTER ODATUS LECROY ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, June 13, 1984, of Mr. and Mrs. Walter Odatus LeCroy of Riverside, Alabama; and

WHEREAS, in the sight of God, Walter Odatus LeCroy and Miss Sara Dousie McCain were joined in wedlock on June 13, 1934, at Woodlawn Baptist Church in Birmingham and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by others who, in marriage, also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. LeCroy are the parents of four sons and the loving grandparents of two granddaughters and five grandsons; and

WHEREAS, the LeCroys, both of whom have been active in the Baptist Church throughout their married life, will be honored at a reception, hosted by and held at Riverside Baptist Church, June 17, 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Riverside, Alabama, and wish them many more happy years together in

their union blessed by God, and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. LeCroy that they may know of our congratulations and warm best wishes.

Approved June 8, 1984

Time: 2:00 P.M.

Act No. 84-729 S. 16—Senator Bennett

AN ACT

To authorize certain Mutual Aid Associations to increase their paid-in capital.

Be It Enacted by the Legislature of Alabama:

Section 1. All Mutual Aid Associations which have held valid Certificates of Authority under Sections 27-30-1 through 27-30-33, Code of Alabama 1975, for a period of five (5) years prior to the effective date of this Act, are hereby authorized to increase the paid-in capital stock and paid-in surplus of the Association. Any Association maintaining a minimum surplus of $100,000.00 is authorized to provide contracts or policies on any one life not to exceed five (5) percent of the capital of such Association, and to provide accidental death benefits on any one life so insured not to exceed the amount of life insurance provided.

Section 2. The provisions of Section 1 of this Act shall additionally apply to all Mutual Aid Associations, after said Associations have completed five (5) years of operations and are in compliance with the Insurance Code of Alabama.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-730 S. 3—Senators Teague, Covington, Denton, Foshee, Parsons and Smith, B.

AN ACT

To amend Section 34-30-22, Code of Alabama 1975, which provides for the qualifications of applicants for licensed social workers, so as to provide further for said qualifications.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-30-22, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-30-22.

"The state board of social work examiners shall issue a license as a "licensed bachelor social worker," a "licensed graduate social worker" or a "licenses certified social worker" to an applicant who:

"(1) Is at least 19 years of age;

"(2) Has paid an initial examination fee established by the board;

"(3) Has passed an examination prepared by the state board for that purpose;

"(4) Has ascribed to a professional code of ethics developed and adopted by the board; and

"(5) Meets the following additional requirements for the level at which they are applying to be licensed:

"a. Bachelor social worker:

"1. Has a baccalaureate degree from an accredited college or university including completion of a social work program. At the end of five years from the date this amendatory act takes effect, applicants who then apply must have a baccalaureate degree from an accredited college or university including completion of a social work program approved or accredited by the council on social work education; or

"2. For a period of six years from May 23, 1977 an applicant may be licensed who has a baccalaureate degree from an accredited college or university and has successfully completed two years of full-time continuous employment in a social work position under supervision approved by the board.

"b. Graduate social worker: has a master of social work or a doctor of social work from a college or university approved or accredited by the council on social work education.

"c. Certified social worker:

"1. Has a master of social work or a doctor of social work from

a college or university approved or accredited by the council on social work education; and

"2. Has had at least two years of post-master or doctorate experience in the practice of social work under the supervision of a licensed certified social worker."

Section 2. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-731 S. 7—Senator Teague

AN ACT

To provide that the annual state salary payable circuit clerks and registers shall be $33,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual salary of circuit clerks and registers payable from the State Treasury shall be fixed at $33,000.00; provided that the provisions of this Act shall in no way apply to or otherwise diminish any local supplement currently provided to any circuit clerk or register pursuant to any general or local act; provided, further, that the salary of registers, payable from the State Treasury, shall be increased by the same amount which accrues to circuit clerks by virtue of this act except that in no event shall the provisions of this act cause a register's state salary to exceed $33,000.00. In no event shall the annual state salary of any register be diminished by the provisions of this Act.

Section 2. The provisions of this Act shall not apply to Act 77-323 unless approved by resolution adopted by the governing body of the county or counties affected.

Section 3. There is hereby appropriated the sum of

$433,484.00 for the 1984-85 fiscal year to fund the provisions of this Act.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on September 30, 1984.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-732 S. 11—Senator Teague

AN ACT

To amend Section 12-19-23, Code of Alabama 1975, to further provide for the fee to be collected in each judicial sale in any district or circuit court in this state; to provide a one dollar administrative fee for the receipt and disbursement of each payment made to the clerk of the circuit or district court or the register of the circuit court, whenever said clerk or register is required, either by order of the court or by statute to collect alimony, child support, or restitution on a periodic and continuing basis for the benefit of any individual, department or agency; to provide that the obligor of any such payment shall be responsible for the administrative fee herein created; to provide for notice to those persons responsible for said fee and to provide that said administrative fee shall be disbursed to the State General Fund; to repeal Section 12-19-230 through Section 12-19-238 providing for witness fees in criminal cases; to provide for the severability of the provisions of this Act; and to provide for an effective date.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Section 12-19-23 Code of Alabama 1975, is hereby amended to read as follows:

12-19-23. (a) For each judicial sale in any district or circuit court in this state a fee, which shall equal one percent of the sales prices, shall be collected from the proceeds of such sale prior to any other distribution therefrom. The fee provided herein is in addition to any other fees or costs which may be authorized by law. Fees collected as herein prescribed shall be remitted to the State General Fund.

(c) This section shall apply to any judicial sale in any district or circuit court made on or after October 1, 1984, provided the case was filed after January 15, 1977, and provided further that the pro-

visions of this section shall not apply to any judicial sale in any probate court in this state.

Section 2. There is hereby imposed an administrative fee of $1.00 to be collected by the clerks of the circuit and district courts and the registers of the circuit courts for the receipt and disbursement of each periodic payment made to their offices under any order, decree or judgment of the circuit or district court which provides for periodic and continuing payments of alimony, child support, or court-ordered restitution, except for payments received from a responding state pursuant to Title 30, Chapter 4, Sections 80-98, Code of Alabama 1975. Said fee shall be collected from the individual responsible for the periodic payments at the time each payment is receipted through the office of the clerk or register, whether such payment is collected for the benefit of a private individual or the state, including any department or agency thereof and whether the duty to collect such payments is imposed upon the clerk or register by statute, court rule or order of the court. Provided, however, that in the event the obligor fails to submit sufficient funds to cover the fee and the required payment at the time such payment is made, then said fee shall be deducted from the proceeds of the payment prior to any other distribution thereof, except in cases arising under Title IV-D of the Social Security Act, as amended, and the obligor shall be in default to the obligee for the amount so deducted. Said fee shall be remitted to the State General Fund.

Section 3. The clerks of the circuit and district courts and the registers of the circuit court shall provide written notice to each person who is currently under an obligation to make periodic payments as provided in Section 2. if such obligation will continue beyond September 30, 1984, advising them of the administrative fee prescribed herein for the receipt and disbursement of each such payments. Said notice shall be served by first class mail at the last known address of the obligor, and the date of mailing shall be noted on the case action summary of the underlying case for which said payments are being made. Said fee to become due and payable for any payment as prescribed in Section 2. made on or after October 1, 1984.

Section 4. Sections 12-19-230 through 12-19-238, Code of Alabama 1975, providing for witness fees in criminal cases are hereby repealed.

Section 5. All other provisions of law in conflict with the provisions of this Act are hereby expressly repealed.

Section 6. The provisions of this Act are severable. If any

part of this Act is declared invalid or unconstitutional, such declarations shall not affect the part that remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law; provided that the provisions of this Act shall not become operative until October 1, 1984.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-733 S. 25—Senator Hand

AN ACT

Relating to Baldwin County; further providing for the medically indigent citizens of Baldwin County; fixing a definition of medically indigent persons; establishing the Baldwin County Indigent Care Board and describing its authority, composition and duties; and providing for use by the board of certain taxes or other funds received by the board under the provisions of an approved revenue source within Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(a) "Medically indigent person" means any natural person who is a resident of Baldwin County and who is ill, injured and suffering whose condition can be helped or relieved by treatment in an approved hospital, but is certified as being unable to pay the cost of hospital treatment, or who is able to pay only a portion of the cost of such hospital treatment.

(b) "County Commission" means the County Commission of Baldwin County, as it is duly constituted at the time of the enactment of this act, and any subsequently duly constituted governing body of Baldwin County.

Section 2. At the determination of the County Commission, there may be hereby established the Baldwin County Indigent Care Board, hereinafter referred to as "the board," whose composition and duties shall be as follows:

(a) The County Commission may appoint a Baldwin County Indigent Care Board which shall consist of four members who are duly qualified electors of Baldwin County, but no member of such board shall be employed by any hospital. Of the members of the board first appointed under the provisions of this section, one shall

be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for term of three years and one shall be appointed for a term of four years. Thereafter, their successors shall be appointed for terms of four years and may be appointed to succeed themselves as members of the board. The County Commission shall appoint all members of the board. In the event the County Commission does not appoint the subject board, the duties and responsibilities of the board provided for herein shall be carried out by the County Commission. Members of the board shall serve without compensation, except that they may be reimbursed for all necessary and proper expenses incurred in performance of their duties.

(b) The board shall meet monthly at a public place within Baldwin County to certify accounts presented to the board by hospitals of medical care who are providing medical care to medically indigent citizens of Baldwin County and to make recommendations for payments from the board's account or accounts to such hospitals of medical care. The board shall be empowered to employ appropriate personnel with county commission approval for the purpose of maintaining the board's records and accounts or the County Commission may provide such personnel for the purpose of maintaining the board's records and accounts, and the board shall be empowered to expend revenues in its account or accounts to carry out the several provisions of this act. The board shall prescribe reimbursement to be paid to hospitals of medical care to the medically indigent persons provided for in this act, at an amount equal to the reasonable cost of said services rendered by the hospitals. It shall be the responsibility of the hospitals of medical care to verify and furnish appropriate materials for the board to certify the accounts presented. Provided, however, notwithstanding any part herein to the contrary, hospitals of medical care shall be reimbursed on an approved per diem cost reimbursement rate approved by the Baldwin County Commission annually. Indigent care reimbursement shall not include amounts for contractural adjustments, discounts or amounts required to be provided under Hill-Burton, educational expenses or other funds supporting indigent care for any other source. A hospital shall be reimbursed for providing hospital care to a medically indigent person at a rate approved to such hospitals by the Baldwin County Commission. Reimbursements by the board shall not include any payment for physician services. The board shall require a copy of a certified audit without qualifications of any hospital applying for reimbursement by the board and the cost of such audit shall be the burden of the hospitals. The board (with County Commission approval) shall annually establish maximum cost reimbursements to hospitals in and out of county for indigent care.

Section 3. The board shall receive into its account or accounts funds received or collected by Baldwin County under the provisions of Act No. 84-___(Acts 1984, p.___), providing for a revenue source within Baldwin County; provided, that such taxes or other funds shall be used exclusively by the board to provide medical care for medically indigent persons as provided in this act; and provided further that if at the end of any fiscal year the board ascertains that there exists a surplus of such taxes or other funds not used during the fiscal year to provide medical care to medically indigent persons as provided for in this act, then the board shall deposit such surplus into the account or accounts of the County Commission to be used for county purposes.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective on July 1, 1984, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-734 S. 26—Senator Hand

AN ACT

Relating to Baldwin County; providing for and requiring purging and reidentification of the registered voters; imposing duties upon the Board of Registrars, the Judge of Probate and upon the electors whose names appear on the listing of qualified electors of the county; providing for criminal penalties for violations; and prescribing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Baldwin County, Alabama.

Section 2. Commencing within ninety (90) days after the effective date of this act, the Judge of Probate is hereby directed and empowered to purge the list of the qualified electors in the county to the end that the names of all of the persons appearing on said list who are deceased, non-residents of the county or have otherwise become disqualified from voting therein, shall be removed from such lists, and to the end that only the name of each qualified elector who

has reidentified himself or herself shall appear on the list of registered electors to be published as the law requires in 1966 and thereafter.

Section 3. The Judge of Probate shall omit and remove from the list of qualified electors of the county the name of any person who fails to reidentify himself or herself in one of the ways hereinafter provided before the first day of January 1985, provided, that no one who becomes a qualified elector of the county after October 1, 1984, shall be required to reidentify himself or herself.

Section 4. A voter may reidentify himself or herself in any one of the following ways:

(a) A voter may reidentify himself or herself by appearing in person before the Judge of Probate or his duly authorized employee at his office or at any place in the county as the Judge of Probate may provide as hereinafter set forth and answering such questions and submitting such proof as may be required to establish the identify of the voter so appearing and his or her place of legal residence and that the voter has not become disqualified from voting in the county.

(b) A voter who is on active duty in the Army, Navy or Air Force of the United States or who is the husband or wife of a member of the Armed Forces of the United States on active duty may also reidentify himself or herself by filling in and mailing to the office of the Judge of Probate the completed answers to such questions as are set forth in the questionnaire hereinafter more particularly set forth, such questionnaire to be signed by the voter in the presence of and his or her signature to be witnessed by a commissioned officer of the Armed Forces of the United States of America. Such questionnaire shall be in substantially the following form:

Name:_____ Sex:_____
(Last) (First) (Middle)

VOTERS REIDENTIFICATION QUESTIONNAIRE

_____ County, Alabama

Date:_____, 19____

Legal resident's address: _____
(Street or Route)

_____
(City or Town)

_____
(State)

Date of Birth:_____

Oath of Elector

I do hereby declare under penalty of perjury that I am now a qualified elector of _____ County, Alabama, Precinct or Beat Number _____, and vote at _____ (name of voting places. I do hereby further declare under penalty of perjury that I have not been disqualified from voting in the above named county by conviction of a crime or otherwise and that I am now a resident citizen of said county residing in Precinct or Beat Number _____, and that I have resided in such precinct or beat for the past three months.

Signed:

_____

Signature of Voter

Subscribed and sworn to before me
this _____ day of _____, 19____

_____

Judge of Probate or
Commissioned Officer of U. S. Armed Forces

(c) The manner of reidentification may be as prescribed herein or as provided by general law in the determination of the Judge of Probate.

Section 5. The Judge of Probate is hereby directed to prepare within thirty days after January 1, 1985, a list of the names of all qualified electors who have failed to reidentify themselves as required under provisions of this act and to remove said names from the list of qualified electors of the county as authorized in Section 3 of this act. The Judge of Probate is hereby authorized and directed to publish said list of persons who have failed to reidentify themselves as herein provided in each newspaper of general circulation published in the county on the first publication date of any such newspaper in February of 1985 notifying all such persons that their names have been removed from the list of qualified electors of said county and that unless they appear at the office of the Judge of Probate of said county on or before March 1, 1985, that their names shall not appear on the list of qualified electors at the next election to be held in said county. In the event that more than one newspaper of general circulation is published in the county, then the Judge of Probate may, in his discretion, direct the publication of said list in more than one such newspaper.

Section 6. Any registered elector of the county who shall have his or her name mistakenly omitted or removed from the list of qualified electors under the provisions of this act shall be entitled to

have his or her name restored to the list of qualified electors by appearing before the Judge of Probate or his duly authorized employee, in person, or if such elector is a member of the Armed Forces of the United States by submitting proof to the Judge of Probate, that his or her name had been stricken in error.

Section 7. Any registered elector of the county who shall have his or her name omitted or removed from the list of registered electors by failing to appear and reidentify himself or herself as herein provided shall be entitled to have his or her name restored to the list of registered electors by appearing in person at the office of the Judge of Probate or at such other places in the county before a duly authorized agent or deputy appointed by the Judge of Probate and reidentifying himself or herself in the manner hereinabove provided, or if he or she is a member of the Armed Forces of the United States or is the husband or wife of a member of the Armed Forces of the United States on active duty by submitting proof to the Judge of Probate of the county as provided in Section 4 of this act.

Section 8. Nothing contained in this act shall require, or be construed to require, a person who has not complied with the provisions hereof to reregister, and such person may have his or her name restored to the list of qualified voters by complying with the terms and provisions of this act as hereinabove more particularly set forth.

Section 9. In order to facilitate the reidentification of voters the Judge of Probate or his duly authorized employees shall visit, and he shall be required to visit, each precinct in the county during the period of time from October 1, 1984, to December 31, 1984; and the Judge of Probate is hereby further authorized in order to further facilitate the reidentification of voters to visit such precincts as he shall, in his discretion, select and be deemed necessary. Notice of such visits shall be properly advertised by the Judge of Probate, by newspaper publication and/or radio broadcasts or otherwise, before such additional visit or visits.

Section 10. Any person who willfully makes a false statement in answer to the reidentification questionnaire or who fraudulently files a completed questionnaire with the Judge of Probate shall be guilty of perjury and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 11. The governing body of the county is hereby authorized and directed to furnish to the Judge of Probate the necessary supplies, printed forms, clerical help, advertising material and any and all other necessary expenses for the reidentification of the voters as herein provided and the proper dissemination of notice of this act and the requirements hereof.

Section 12. Any provision of this act to the contrary notwithstanding, voter reidentification shall be conducted not less than every 10 years and after every federal decennial census.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are hereby repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-735 S. 27—Senator Hand

AN ACT

Relating to the twenty-eighth judicial circuit in Baldwin County; to provide an expense and automobile allowance to the district attorney of said judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the twenty-eighth judicial circuit shall receive, in addition to any other compensation and in addition to any other supplement provided by law, an expense and automobile allowance, equal to one percent of the annual salary paid by the state to said district attorney, per month, to be paid from the District Attorney's Fund of the twenty-eighth judicial circuit.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-736 S. 28—Senator Hand

AN ACT

Providing for the distribution of Baldwin County's share of offshore oil and gas

severance tax proceeds provided for said county in Section 40-20-8(a) of the Code of Alabama 1975 as amended by Act No. 83-889, H. 26 of the 1983 Fourth Special Session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. In Baldwin County, the distribution of the producing county's ten percent share of the net amount of the proceeds from offshore oil and gas severance taxes as provided for in Section 40-20-8(a) of the Code of Alabama 1975 as last amended by Act No. 83-889, H. 26 of the 1983 Fourth Special Session of the Legislature shall be as follows:

(i) 5% shall be allocated and distributed to Faulkner State Junior College;

(ii) 25% shall be allocated and distributed to each municipality in the county on a per capita basis;

(iii) 32.5% shall be allocated and distributed to the Baldwin County Board of Education;

(iv) 32.5% shall be allocated and distributed to the county general fund; and

(v) 5% shall be allocated and distributed to the Baldwin County Indigent Care Board.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-737 S. 95—Senator Dial

AN ACT

To provide for redivision of the county commissioner's districts in Cleburne County, Alabama; to provide for an advisory referendum on the question of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. At the 1984 November election, the members

elected to districts 1 and 4 of the Cleburne County Commission shall serve a term of two years. At the 1986 November election and thereafter, Cleburne County shall be divided into two commission districts to be known as the Southern and Northern districts. One commissioner shall be elected from the Southern district which shall be comprised of former districts 3 and 4 as provided by Act No. 982, S. 126, 1900-1901 Regular Session (Acts 1900-1901, p. 2241). The other commissioner shall be elected from the Northern district which shall be comprised of former districts 1 and 2 as provided by said Act No. 982. The two commissioners elected at the 1986 general election shall serve terms of four years.

Section 2. Successors to the commissioners elected in 1986 shall be elected from the aforementioned districts and any candidate seeking to qualify for election to the commission shall be a resident elector of the commission district which he or she seeks to represent on the commission.

Section 3. The county commission shall call an advisory referendum on the approval of the provisions of this act and such referendum shall be held at a special election called for such purpose or next regular election, general election or primary and conducted as nearly as possible in the same manner as elections on amendments to the Constitution. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law dividing the county into two commission districts and one commissioner representing each district effective at the 1986 November election? Yes ( ) No ( )." If a majority of the votes cast are in the affirmative, the provisions of this act shall become effective; if a majority of the votes are in the negative, the provisions of this act shall be inoperative and void and shall have no further effect. The judge of probate shall certify the results of such election to the secretary of state immediately after the returns have been certified.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-738 S. 106—Senators Bishop and Teague

AN ACT

To make an additional appropriation to the Office of the Attorney General for the payment of salaries and other expenses and to provide for repayment of certain amounts to the State Treasury and to amend Act No. 83-836, Third Special Session 1983.

Be It Enacted by the Legislature of Alabama:

Session 1. There is hereby appropriated, in addition to all other appropriations heretofore made, to the Office of the Attorney General the amount of $448,758 from the General Fund in the State Treasury for the payment of salaries and other expenses for Fiscal Year 1983-84.

Section 2. In the event the $448,758 fine, or any part of it, paid by the Office of the Attorney General into Federal Court in the case of Newman versus the State of Alabama is returned to the Office of the Attorney General such office shall deposit that amount into the State Treasury for transfer to the General Fund of the State of Alabama.

Section 3. Section 2 of Act No. 83-836, Third Special Session, 1983, is hereby amended to read as follows:

"Section 2. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1984, the following:

(a) Department of Corrections—Capital Outlay for construction of prisons (To be conditioned on the availability of funds and the approval of the Governor.)	$ 551,242
(b) For the expenses of the special election in November, 1983, including advertising and printing costs; and expenses of the presidential primary in 1984.	$2,000,000
(c) For the expenses of the Legislature (Appropriations in Section 2(b) and (c) hereof to be conditional upon the final judicial determination of the constitutionality of Act 79-434 and as approved by the Governor)."	$ 200,000

Section 4. In the event that all or any portion of the $448,758 appropriated by Section 1 herein is returned to the Attorney General by the Federal Court and deposited into the State General

Fund as required by Section 2 herein, such amount is hereby appropriated to the Department of Corrections - Capital Outlay for construction of prisons. Such appropriation shall be conditional upon the availability of funds and the approval of the Governor.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 8, 1984

Time: 4:00 P.M.

Act No. 84-739

H. 100—Reps. Hall, Drake, Grouby, Grayson, Albright, Clark (J), Mathis, Hettinger, Hooper, Butler, Rains, Seibels, Carter, Brakefield, Starr, Gaston, Zoghby, Junkins, Burke, McMillan, Blakeney, Lauderdale, Flowers, Trammell, Harper, Moore, Coleman, Horn, Warren, Turner, Campbell, Clark (D), Biddle, Dutton, Newman, Harvey, Perdue, Starkey, Lindsey, Laird, White (F), Holley, Faulk, Goodwin, Pratt, Bowling, Box, Spratt, Escott, Tanner, Preuitt, Kvalheim, Crow, Fuller, Cosby, Bugg, Davis, McDowell, Johnson (Roy), Johnson (R.G.), Onderdonk, Venable, Nicholson, Blake, Rice, Clark (W), Buskey (James), Carothers, McKee, Black, Penry, Marietta, Rogers, Melton, Martin, Kennedy, Gray, Hammett, Buskey (John), Bryant, White (L), Mikell

AN ACT

To amend Section 40-9-13 of the Code of Alabama 1975, relating to exemptions from taxation, so as to exempt, among others, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events from all license fees and charges including any privilege and excise tax levied by the state or any county or municipality; and to provide that such charitable Shrine amusement and fund raising events shall be subject to all the provisions of Section 40-9-12 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-9-13 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-9-13.

"(a) All volunteer fire departments in this state, and all real and personal property of all volunteer fire departments in this state, the Alabama Society of the Daughters of the American Revolution, and all real and personal property of the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events, and all real and personal property of the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, and all real and personal property of the Episcopal Foundation of Jefferson County, the Alabama Heart Association and all real and personal property of the Alabama Heart Association, and the Presbyterian Apartments, Incorporated, and all real and personal property of the Presbyterian Apartments, Incorporated, when such real and personal property shall be used as provided in section 40-9-12, are exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

"(b) All volunteer fire departments in this state, the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events, the Episcopal Foundation of Jefferson County, the Alabama Heart Association and the Presbyterian Apartments, Incorporated, shall be subject to all the provisions of section 40-9-12, as are all other organizations named therein."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 11, 1984

Time: 4:20 P.M.

Act No. 84-740 H. 25—Reps. Trammell, Bachus

AN ACT

To amend Section 11-43-2, Code of Alabama 1975, relating to the election of certain mayors and aldermen, and Section 11-43-80, Code of Alabama 1975, relating to the powers and duties of the mayor, so as to provide that the six-month time requirement may be waived to meet compliance with the Federal Voting Rights Act of 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-43-2 and 11-43-80, Code of Alabama 1975, are hereby amended to read as follows:

"§ 11-43-2.

"In all cities and towns at the general election to be held on the second Tuesday in July, 1980, and quadrennially thereafter, there shall be elected a mayor, who, in cities having a population of 12,000 or more according to the last or any subsequent federal census, shall not sit with the council nor have a vote in its proceedings, and he shall have the power and duties conferred in this chapter."In all cities and towns having a population of less than 12,000 inhabitants according to the last or any subsequent federal census, the legislative functions shall be exercised by the mayor and five aldermen. The mayor shall preside over all deliberations of the council. At his discretion he may vote as a member of the council on any question coming to a vote, except in case of a tie, in which event he must vote.

"The aldermen in such cities or towns shall be elected by the city or town at large at the first general election held on the second Tuesday in July, 1980, and quadrenially thereafter, or from wards as the said councils may determine, not less than six months before an election, and shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election.

"Provided, however, the six-month requirement in this section may be waived when necessary to comply with a mandate by the U.S. Justice Department pursuant to the Voting Rights Act of 1965, as amended, or with an order issued by a state or federal court when such mandate or order is received prior to June 5, 1984.

"§ 11-43-80.

"(a) The mayor shall have the powers and perform the duties provided by this title and by other applicable provisions of law and shall keep an office in the city or town.

"(b) The mayor shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election; provided, however, the six-month requirement in this section may be waived when necessary to comply with a mandate by the U.S. Justice Department pursuant to the Voting Rights Act of 1965, as amended, or with an order issued by a state or federal court when such mandate or order is received prior to June 5, 1984.

"(c) In municipalities which own and operate light and power systems, municipal water systems, municipal sewage systems and municipal gas systems, one or any of them, may, by resolution of the governing body duly entered in its minutes, require the mayor to act as superintendent of such system or systems and to give so much of his time thereof as the governing body may direct. In any municipality in which a municipal board or municipal public corporation owns and operates a municipal light and power system, municipal water system, municipal sewage system and municipal gas system, one or any of them, such board or municipal public corporation may, by resolution duly entered in its minutes, employ the mayor to act as superintendent of such system or systems and to give so much of his time thereto as such board or corporation may direct. The mayor, as such superintendent of such system or systems, shall serve as purchasing agent and make all purchases authorized by the governing body, board or municipal public corporation therefor, and shall keep a check on meter readings and bids for service of the system and see that the collections thereof are made. He shall see that the system or systems are kept in proper repair and operation, shall keep an inventory showing the supplies and equipment on hand for such system or systems, shall keep a full and complete monthly financial statement of all operation costs and receipts and keep a proper inventory of the fiscal assets of such system or systems and shall handle all such data and information relative to such system or systems available for the governing body, board or municipal public corporation at such times as it shall require, but not less frequently than once every three months. For his service as superintendent of such system or systems, the mayor shall be paid, in addition to his salary as mayor, such sum as the governing body, board or municipal corporation shall deem reasonable, but not to exceed $600.00 per month, except in cases where the governing body, board or municipal corporation requires the full-time services of the mayor as superintendent of such system or systems, in which event he may be paid not exceeding $1,200.00 per month for such service. The governing

body, board or municipal corporation may, at any time it deems best, dispense with the mayor's service as superintendent.

"(d) The provisions of this section shall be curative and retroactive, and any employment of any mayor as superintendent of any such utility or utilities heretofore made by any such governing body, board or municipal public corporation, and any such salary heretofore paid to any mayor by any such governing body, board or municipal corporation for his services as superintendent of such system or systems, is hereby validated."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 11, 1984

Time: 4:20 P.M.

Act No. 84-741

S. 97—Senators Goodwin, Drinkard, Denton and Menton

AN ACT

To make further provision for the financing and construction of public roads and bridges in the State by the issuance of bonds by the Alabama Highway Authority; to authorize the Authority to sell and issue from time to time not exceeding $185,000,000 aggregate principal amount of matching fund revenue bonds in addition to those heretofore authorized to be issued by the Authority; to authorize the Authority to issue and sell refunding bonds to refund bonds at any time issued by the Authority or by Alabama Highway Finance Corporation, or either of them, and at the time outstanding; to provide for the details and the method of execution of the said bonds; to provide that the Authority shall determine the manner, terms and conditions of the sale or sales of the bonds, and to make provisions respecting such sale or sales and the permitted uses, applications and investments of the proceeds from the sale or sales thereof; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to provide that bonds issued under this Act shall not create an obligation or debt of the State and shall be limited obligations payable solely out of the revenues of the Authority pledged therefor in this Act; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys pledged in this Act for such purpose; to preserve prior pledges and covenants by the State; to adopt certain provisions of the act of the Legislature creating the Authority; to provide for a covenant of the Legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the State Treasurer to disburse moneys pledged for payment of said bonds; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Where used in this Act the following words and terms shall be given the following respective meanings unless the context hereof clearly indicates otherwise:

"Authority" means Alabama Highway Authority, a public corporation and instrumentality of the State that was organized and is existing under the provisions of the 1955 Act.

"Board of Directors" means the board of directors of the Authority.

"Code" means the Code of Alabama 1975, as amended.

"Corporation" means Alabama Highway Finance Corporation, a public corporation and instrumentality of the State that was organized and is existing under the provisions of the 1965 Act.

"Gasoline Tax Appropriation Act" means Division 2 of Article 2 of Chapter 17 of Title 40 of the Code.

"General Fund" means the general fund of the State treasury.

"Government Securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

"Highway Gasoline Tax" means (a) the excise tax levied in Section 31 of Chapter 17 of Title 40 of the Code, as amended, exclusive of those portions of said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 31, and (b) the excise tax levied by Article 3 of Chapter 17 of Title 40 of the Code, as amended, exclusive of that portion of the said tax in respect of diesel fuel.

"Legislature" means the Legislature of Alabama.

"Matching Fund Bonds" means the Matching Fund Revenue Bonds authorized in Section 2 of this Act to be sold and issued by the Authority.

"Net Gasoline Tax Proceeds" means the entire proceeds from the Highway Gasoline Tax less the cost of collection and less any refunds of the said proceeds pursuant to the provisions of Article 3 of Chapter 17 of Title 40 or pursuant to the provisions of either of Division 3 and 4 of Article 2 of said Chapter 17.

"Net Interest Income" means interest earned from an investment, net of that which represents a return of accrued interest, and the amount required to offset the amortization of any premium, paid in connection with the purchase of such investment.

"Outstanding Bonds" means the Matching Fund Bonds of the Authority issued under this Act, any Refunding Bonds issued under this Act, the bonds of the Authority issued under the 1963 Act, the 1967 Act, the 1969 Act and the 1971 Act, and those bonds issued by the Corporation under the provisions of Act No. 580 enacted at the 1978 Regular Session of the Legislature of Alabama, or any one or more of the said Acts, at any time issued and outstanding in accordance with their terms.

"Permitted Investments" means (i) Government Securities; (ii) bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies, to the extent that such obligations are secured by the full faith and credit of the United States: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks; or Farmers Home Administration, or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof, the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America; (iii) bonds, notes, pass through securities or other evidences of indebtedness of GNMA and participation certificates of FHLMC; (iv) full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service; (v) public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes, preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States of America; (vi) time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, provided that, to the extent such time deposits exceed available federal deposit insurance, such time deposits are fully secured by obligations described in clauses (i), (ii), (iii) and (v) above, which at all times have a market value (exclusive of accrued interest) at least equal to such bank time deposits so secured, including interest, and which meet the greater of 100% collateraliza-

tion or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings, (vii) repurchase agreements for obligations of the type specified in clauses (i), (ii), (iii), and (v) above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value (exclusive of accrued interest) at least equal to the purchase price of such repurchase agreements and which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; and (viii) uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service.

"Prior Bonds" means obligations issued prior to January 1, 1984, pursuant to any law of the State of Alabama, payable in whole or in part from all or any portion of the taxes and fees pledged in Section 12 hereof.

"Refunding Bonds" means those refunding bonds authorized in Section 3 of the Act to be sold and issued by the Authority.

"State" means the State of Alabama.

"State Treasurer" means the State Treasurer of the State.

"State's Share of the Net Gasoline Tax Proceeds" means the forty-five per centum of the Net Gasoline Tax Proceeds allocated and appropriated for State highway purposes in Section 2 of the Gasoline Tax Appropriation Act.

"1955 Act" means Act No. 43 enacted at the 1955 First Special Session of the Legislature, as amended.

"1959 Act" means Act No. 45 enacted at the 1959 First Special Session of the Legislature, as amended.

"1963 Act" means Act No. 26 enacted at the 1963 First Special Session of the Legislature, as amended.

"1965 Act" means Act No. 228 enacted at the 1965 Regular Session of the Legislature, as amended.

"1967 Act" means Act No. 225 enacted at the 1967 Special Session of the Legislature, as amended.

"1969 Act" means Act No. 781 enacted at the 1969 Regular Session of the Legislature, as amended.

"1971 Act" means Act No. 1416 enacted at the 1971 Regular Session of the Legislature, as amended.

Section 2. Authorization to Issue Matching Fund Bonds. Alabama Highway Authority, which was heretofore incorporated pursuant to the provisions of the 1955 Act, shall have the power, and is hereby authorized and empowered, to sell and issue its Matching Fund Revenue Bonds in an aggregate principal amount not exceeding $185,000,000. The powers conferred on the Authority by this Act are in addition to all powers heretofore conferred on the Authority by the 1955 Act, by the 1959 Act, by the 1963 Act, by the 1967 Act, by the 1969 Act and by the 1971 Act, or any of the said Acts or any other act. The total amount of Matching Fund Bonds which may be issued hereunder may be increased only by an act of the Legislature authorizing the same.

Section 3. Authorization to Issue Refunding Bonds. Subject to the provisions contained in this Act, the Authority may from time to time sell and issue Refunding Bonds for the purpose of refunding any or all of the Outstanding Bonds then outstanding, together with any interest thereon whether due and unpaid at the time of issuance of such Refunding Bonds or not, and with any premium that may be necessary to be paid in order to redeem or retire those Outstanding Bonds proposed to be refunded.

The limitation provided for in Section 2 of this Act on the amount of Matching Fund Bonds authorized in this Act shall not apply to the said Refunding Bonds.

In the discretion of the Board of Directors, Refunding Bonds may be issued in exchange for Outstanding Bonds or they may be sold and the proceeds thereof applied to the purchase, redemption or payment of Outstanding Bonds. Refunding Bonds to be issued in exchange for Outstanding Bonds shall not be issued in a principal amount greater than the principal amount of the Outstanding Bonds to be refunded. Refunding Bonds to be sold may be issued in such principal amount as shall be determined by the Board of Directors, provided that such Refunding Bonds shall not be sold and issued in an aggregate principal amount exceeding the sum of (i) the outstanding principal amount of the Outstanding Bonds to be refunded, (ii) the interest accrued and to accrue on the Outstanding Bonds to be refunded until the respective maturities thereof, or if the Outstanding Bonds to be refunded are to be called for redemption (either on the earliest date on which under their terms they may be redeemed or some later date or dates), the interest accrued and to accrue thereon until the date or dates on which they are to be called for redemption, (iii) the amount of any premium required, by the terms of the Outstanding Bonds, to be paid as a condition to

their redemption prior to their respective maturities, (iv) the amount, if any, required by resolution of the Authority to be deposited in an interest account or a debt service reserve account, and (v) the amount of an expenses (actual or estimated) of such refunding, including without limitation, the expenses of selling and issuing the Refunding Bonds (including any discount reflected in the purchase price thereof paid to the Authority), fees and disbursements of attorneys, accountants, fiscal agents, financial advisors and other consultants, fees and disbursements of trustees and escrow agents, printing costs and other customary bond issuance expenses.

Section 4. Details Respecting Matching Fund Bonds and Refunding Bonds. The Matching Fund Bonds and the Refunding Bonds shall be in such forms and denominations and of such tenor and maturities (either serial or term or a combination thereof), provided that no Matching Fund Bond or Refunding Bond shall have a specified maturity date, including sinking fund redemptions, later than thirty years after its date, shall bear such rate or rates of interest payable and evidenced in such manner, and may contain other provisions not inconsistent with this Act, all as may be provided in the resolution or resolutions of the Board of Directors in which the Matching Fund Bonds or the Refunding Bonds, respectively, are authorized to be issued.

Notwithstanding any other provision of this Act or any other law to the contrary, the Board of Directors may in connection with the issuance of Matching Fund Bonds and Refunding Bonds pursuant to this Act provide by resolution for any number of paying agents; places of payments (either within or without the State); the time at which funds shall be transmitted to Paying Agents for payment of principal of, premium, if any, and interest on the Matching Fund Bonds; registration provisions; exchange privileges; method of delivery; entering into contracts with banks and trust companies located either within or without the State to act as registrars, paying agents, escrow agents, transfer agents, depositories for safekeeping, agents for the delivery and payment of bonds, authenticating agents or otherwise; and covenants for the security and better marketability of the Matching Fund Bonds and Refunding Bonds, including but not limited to the establishment of an interest account to be funded with the proceeds of Matching Fund Bonds or Refunding Bonds for the payment of interest on such bonds, and the establishment of reserves or sinking funds to secure or to pay such Matching Fund Bonds or Refunding Bonds, and the provision for the investment of such interest accounts or reserves or sinking funds at the direction of the Authority. The Authority may, in the resolution or resolutions under which any of the Matching Fund Bonds or the Refunding Bonds are issued, retain an option to redeem all or any

thereof at such redemption price or prices and after such notice or notices and on such terms and conditions and at such time to times as may be set forth in the said resolution or resolutions and as may be briefly recited on the Matching Fund Bonds or the Refunding Bonds with respect to which such option of redemption is retained.

In addition to all other powers granted to the Authority in this Act, the Authority shall have the power to do any and all things necessary, covenant or desirable to carry out its purposes and exercise the powers given and granted in this Act.

Section 5. Execution of Matching Fund Bonds and Refunding Bonds. The Matching Fund Bonds and Refunding Bonds shall be signed by the president of the Authority and attested by its secretary, and all interest coupons (if any) applicable to the Matching Fund Bonds or Refunding Bonds shall be signed by the president of the Authority; provided, that a facsimile of the signatures of either or both of said officers may be printed or otherwise reproduced on any of the Matching Fund Bonds or Refunding Bonds in lieu of their being manually signed, and a facsimilie of the president's signature may be printed or otherwise reproduced on any of the interest coupons in lieu of their being manually signed. The seal of the Authority shall be impressed on the Matching Fund Bonds and Refunding Bonds, provided, that a facsimilie of the said seal may be printed or otherwise reproduced on any of the Matching Fund Bonds or Refunding Bonds in lieu of being manually impressed thereon.

Section 6. Sale of Matching Fund Bonds or Refunding Bonds. Matching Fund Bonds and Refunding Bonds may be sold by the Authority from time to time in series, and if sold in more than one series may all be authorized in one initial resolution of the Board of Directors with the pledges therefor made in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the Matching Fund Bonds or Refunding Bonds may be sold at public or private sale, as determined by the Authority, at such price or prices as the Authority shall determine, and, if sold at public sale either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the Matching Fund Bonds or Refunding Bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium or discount named in the bid therefor; provided, that if in the event of public sale of the Matching Fund Bonds or Refunding Bonds no bid acceptable to the Authority is received it may reject all bids. Notice of each public sale shall be given by publication in either a financial journal or a financial newspaper pub-

lished in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Board of Directors may fix the terms and conditions under which each such sale may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this Act. Approval by the Governor of the terms and conditions under which any of the Matching Fund Bonds or Refunding Bonds may be issued shall be requisite to their validity, which approval signed by the Governor shall be entered on the minutes of the respective meetings of the Board of Directors at which the series of the Matching Fund Bonds or Refunding Bonds proposed to be issued are authorized or sold.

Section 7. Matching Fund Bonds and Refunding Bonds to Be Limited Obligations; Pledge Therefor; Negotiable Instruments. The Matching Fund Bonds and Refunding Bonds shall not be general obligations of the Authority but shall be payable solely out of the funds of the Authority appropriated and pledged therefor in Section 12 of this Act. As security for the payment of the principal of, premium, if any, and interest on the Matching Fund Bonds and Refunding Bonds issued by it under this Act, the Authority is hereby authorized and empowered to pledge for payment of the said principal of, premium, if any, and interest the funds that are pledged in Section 12 of this Act. All contracts made and all Matching Fund Bonds and Refunding Bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not be an obligation or debt of the State. The Matching Fund Bonds and Refunding Bonds shall be construed to have all the qualities and incidents of negotiable instruments subject to the registration provisions pertaining to transfers.

Section 8. Matching Fund Bonds and Refunding Bonds, Income Thereon Exempt from Taxation; Matching Fund Bonds and Refunding Bonds May Be Used to Secure Deposit and for Investment of Fiduciary Funds. Matching Fund Bonds and Refunding Bonds and the income therefrom shall be exempt from all taxation in the State. The State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds,

moneys or other funds belonging to them or within their control in any Matching Fund Bonds or Refunding Bonds, and such bonds shall be authorized security for all public deposits, it being the purpose of this Act to authorize any persons, firms, corporations, associations, political subdivisions, bodies, and officers, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds, and that any such bonds shall be authorized security for all public deposits. However, nothing contained in this Act with regard to legal investments shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

Section 9. Use of Proceeds of Refunding Bonds. The proceeds of Refunding Bonds shall be applied, together with any other moneys legally available therefor, to the payment of the expenses authorized by this Act and to the payment of the principal of, premium, if any, and interest due and to become due on any Outstanding Bonds to be refunded thereby and, if so required by resolution of the Authority, shall be deposited in the State treasury in an interest account to pay interest on Refunding Bonds, and in the State treasury in a reserve account to further secure the payment of the principal of, premium, if any, and interest on any Refunding Bonds. The expenses authorized by this Act shall include, in addition to expenses authorized by other sections hereof, all expenses that the Board of Directors may deem necessary or advantageous in connection with the sale and issuance of such Refunding Bonds, including without limitation, the expenses of selling and issuing such Refunding Bonds (including any discount reflected in the purchase price thereof paid to the Authority), fees and disbursements of attorneys, accountants, fiscal agents, financial advisors and other consultants, fees and disbursements of trustees, escrow agents, registrars, paying agents, transfer agents, depositories for safekeeping, authenticating agents, agents for the delivery and payment of bonds, printing costs and other customary bond issuance expenses. To the extent not required for the immediate payment of Outstanding Bonds or for deposit into an interest account or a reserve account, proceeds of Refunding Bonds together with any other moneys legally available therefor, shall be deposited with the State Treasurer, in trust, to be held separate and apart from all other funds of the State, or, with the approval of the State Treasurer, shall be deposited in trust, on such terms as the State Treasurer shall approve, with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or state banks, located either within or without the State, having powers of a trust company. Any such proceeds or moneys deposited in trust with the

State Treasurer or with one or more trustees or escrow agents shall be applied solely to the payment when due of the principal of, premium, if any, and interest due and to become due on the Outstanding Bonds to be refunded thereby on or prior to the redemption date or maturity date thereof, as the case may be. Any such proceeds or moneys so held by the State Treasurer or deposited with one or more trustees or escrow agents, may be invested in Government Securities; provided, such Government Securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. Except as provided in the immediately succeeding sentence, neither the Government Securities nor moneys so deposited with the State Treasurer, or with one or more trustees or escrow agents, shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest on such Outstanding Bonds to be refunded thereby; provided that any cash received from such principal or interest payments on such Government Securities deposited with the State Treasurer, or with one or more trustees or escrow agents, (a) to the extent such cash will not be required at any time for such purpose, shall be retained by, or paid over to the State Treasurer, as the case may be, for deposit in the public road and bridge fund as received, and (b) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in Government Securities maturing at times and in amounts sufficient to pay when due the principal of, premium, if any, and interest on such Outstanding Bonds on and prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments to the extent not required for the payment of such Outstanding Bonds shall be retained by, or paid over to the State Treasurer, as the case may be, for deposit in the public road and bridge fund, as received. Notwithstanding anything to the contrary contained herein: (a) moneys on deposit pursuant to the provisions of this Section may be applied and Government Securities so deposited may be redeemed and sold and the proceeds thereof applied to (i) the purchase of the Outstanding Bonds which were refunded by the deposit with the State Treasurer or with one or more trustees or escrow agents of such moneys and Government Securities and immediately thereafter all Outstanding Bonds so purchased shall be cancelled, or (ii) the purchase of different Government Securities; provided, however, that the moneys and Government Securities on deposit with the State Treasurer or with one or more trustees or escrow agents after such purchase and cancellation of such Outstanding Bonds or such purchase of different Government Securities shall be sufficient to pay when due the principal of, premium, if any, and interest on all other Outstanding Bonds in respect of which

such moneys and Government Securities were deposited on or prior to the redemption date or maturity date thereof, as the case may be; and (b) in the event that on any date, as a result of any purchases and cancellations of Outstanding Bonds or any purchases of different Government Securities as provided in this sentence, the total amount of moneys and Government Securities remaining on deposit with the State Treasurer or with one or more trustees or escrow agents, is in excess of the total amount which would have been required to be deposited with the State Treasurer or trustee or escrow agent on such date in respect of the remaining Outstanding Bonds for which such deposit was made in order to pay when due the principal of, premium, if any, and interest on such remaining Outstanding Bonds, the State Treasurer shall deposit the amount of such excess in the public road and bridge fund, or the trustee or escrow agent shall, upon the direction of the State Treasurer, pay the amount of such excess to the State Treasurer for deposit in the public road and bridge fund.

The State Treasurer, acting in the capacity of Trustee, may name one or more trust companies, national banks, or state banks, located either within or without the State, to act as the State Treasurer's depository for any funds escrowed pursuant to the provisions of this Section.

All applications of proceeds of Refunding Bonds or other moneys deposited in trust for the payment of Outstanding Bonds as provided in this Section, including without limitation the investment thereof and the sale of any related Government Securities, shall be at the direction of the Authority, but subject to the prior approval of the State Treasurer. Any such approval of the State Treasurer may be given at any time, including without limitation at the time of the adoption by the Board of Directors of any resolution relating to any Matching Fund Bond or Refunding Bond and, once given, such approval shall be irrevocable.

Moneys on deposit in any reserve account or interest account created pursuant to the provisions of this Section shall be invested by the State Treasurer at the direction of the Authority in Permitted Investments which mature at such time or times as the Authority shall direct. Except as provided in Section 10 hereof, Net Interest Income earned from such investments shall be deposited as received by the State Treasurer into the public road and bridge fund. Notwithstanding anything to the contrary contained in the Act, the Net Interest Income earned from such investments is subject at all times to the appropriation and pledge thereof made in Section 12 hereof and such amounts shall be applied to the payment of the principal of, premium, if any, and interest on Matching Fund

Bonds or Refunding Bonds whenever the other amounts appropriated and pledged by Section 12 hereof are insufficient therefor.

Notwithstanding any law to the contrary, moneys on deposit in the public road and bridge fund derived from the proceeds of the taxes and fees referred to in subsections (a) through (f), inclusive, of Section 12 hereof, shall be withdrawn from time to time as provided by any authorizing resolution of the Authority to replenish withdrawals from any reserve account created pursuant to this Section.

In order to enhance the marketability of Matching Fund Bonds and Refunding Bonds, since the appropriation and pledge made herein of the proceeds of the taxes and fees referred to in subsections (a) through (e), inclusive, of Section 12 hereof is subordinate to the appropriation and pledges heretofore made for Prior Bonds, the Authority is authorized, in any resolution of the Board of Directors relating to any Refunding Bonds, to covenant with the holders of any Matching Fund Bonds or any Refunding Bonds that the proceeds of any Refunding Bonds and any other moneys deposited in trust as provided in this Section for the payment when due of any Prior Bonds refunded thereby, shall not be withdrawn or used for any purpose other than as provided in this Section and in such resolution of the Board of Directors.

Section 10. Use of Proceeds of Matching Fund Bonds. The Authority shall pay out of the proceeds from the sale of any of the Matching Fund Bonds all expenses that the Board of Directors may deem necessary or advantageous in connection with the sale and issuance of the Matching Fund Bonds, including without limitations, the expenses of selling and issuing the Matching Fund Bonds (including any discount reflected in the purchase price thereof paid to the Authority), fees and disbursements of attorneys, accountants, fiscal agents, financial advisors and other consultants, fees and disbursements of trustees, escrow agents, registrars, paying agents, transfer agents, depositories for safekeeping, authenticating agents, agents for the delivery and payment of bonds, printing costs and other customary bond issuance expenses. The proceeds of the Matching Fund Bonds remaining after paying the expenses of their sale and issuance shall be deposited in the State Treasury in a special fund called the Matching Fund Construction Account and, if so required by resolution of the Authority, in the State Treasury in an interest account to pay interest on Matching Fund Bonds, and in the State Treasury in a reserve account to further secure the payment of principal of, premium, if any, and interest on any Matching Fund Bonds. The Matching Fund Construction Account shall be drawn on by order of the Authority, and with the approval of the Highway Department and the Governor, but only for the purpose of paying costs of construction, reconstruction and improvement of

public highways and bridges in the state (including the acquisition of property necessary for such construction, reconstruction, improvement and relocation) and for payment of debt service on the Matching Fund Bonds or for reimbursement to the public road and bridge fund for payment of such debt service; provided, that such funds may be used only for payment of the State's share of the cost of constructing, reconstructing, improving and relocating public roads and bridges, or work incidental or related thereto, which have been or will be financed jointly by the State and federal government; and provided further, that if such action should be necessary in order to comply with any federal legislation relating to federal aid in highway and bridge construction, the Authority may authorize the Highway Department to expend directly any portion of the proceeds of the Matching Fund Bonds for payment of the State's share of the cost of any such work; provided, further, that at any time when moneys may have been allocated or apportioned to the State, under the provisions of any law of the United States now in effect or hereafter enacted, for use in construction, reconstruction, improvement and relocation of public highways and bridges on the condition that the State shall pay a portion of the cost of such construction reconstruction and improvement, then (unless the said condition shall have been otherwise met by the State, or any agency or subdivision thereof), the proceeds received during any fiscal year of the State from the sale of any series of the Matching Fund Bonds must be allocated (and when so allocated shall thereafter be used) only to pay the State's share of the cost of such construction, reconstruction, improvement and relocation to such extent as shall exhaust the moneys so allocated or apportioned by the United States, and may not be used for other highway and bridge purposes, except to such extent as the Legislature shall hereafter provide. Notwithstanding any other law to the contrary, moneys on deposit in the public road and bridge fund derived from the proceeds of the taxes and fees referred to in subsections (a) through (f), inclusive, of Section 12 hereof, shall be withdrawn from time to time as provided by any authorizing resolution of the Authority to replenish withdrawals from any reserve account created pursuant to this Section.

Moneys on deposit in the Matching Fund Construction Account and any reserve account or interest account created pursuant to the provisions of this Section shall be invested by the State Treasurer at the direction of the Authority in Permitted Investments which mature at such time or times as the Authority shall direct. Net Interest Income earned from the investment proceeds of Matching Fund Bonds deposited into the Matching Fund Construction Account shall be deposited as received by the State Treasurer into the Matching Fund Construction Account. Except as otherwise provided in this Section 10, Net Interest Income earned from the investment

of proceeds of Matching Fund Bonds deposited into any reserve account or interest account (other than the Interest Subaccount hereinafter provided for) created pursuant to this Section 10 shall be deposited as received by the State Treasurer into the Proceeds Subaccount hereinafter provided.

Upon the issuance of each series of Matching Fund Bonds, the Authority shall file with the State Treasurer a certificate setting forth: (a) an estimate of the Net Interest Income to be earned from the date of such certificate to the final, scheduled maturity date of such series of bonds from the investment of that portion, if any, of the proceeds of such series of bonds deposited into any reserve account created pursuant to this Section; and (b) an estimate of the Net Interest Income to be earned from the investment of that portion of the proceeds of such series of bonds deposited into the Matching Fund Construction Account from the date of such certificate to the estimated date of the final expenditure of such proceeds; and (c) an estimate of the amount of interest which will accrue on such series of bonds from their date to the final, scheduled maturity date of such series of bonds; and (d) an estimate of the total cost to the Authority of issuing such series of bonds. With respect to each series of Matching Fund Bonds, the sum of such estimates of Net Interest Income to be earned on such bond proceeds shall be known as the "Anticipated Interest Income", the estimate of the amount of interest to accrue on such series of bonds shall be known as the "Anticipated Interest Cost", the estimate of the total cost to the Authority of issuing such series of bonds shall be known as the "Cost of Issuance" and the amount, if any, by which the Anticipated Interest Income exceeds the sum of the Anticipated Interest Cost plus the Cost of Issuance shall be known as the "Net Matching Fund Interest Income".

The Legislature hereby determines that: (a) one-half (½) of the Net Matching Fund Interest Income shall be paid into the General Fund for the purposes of the General Fund; (b) notwithstanding the type of Permitted Investments which may be made and which relate to the Net Matching Fund Interest Income, nor the times or amounts of payments attributable to such Permitted Investments, the portion of the Net Matching Fund Interest Income payable to the General Fund shall be paid into the General Fund on a periodic, scheduled-payment basis in order to provide certainty for planning purposes of the General Fund; and (c) the following provisions of this Section 10 are intended to provide such certainty.

The Matching Fund Construction Account shall consist of two subaccounts, one to be known as the Proceeds Subaccount and the other to be known as the Interest Subaccount. The State Treasurer shall deposit into the Proceeds Subaccount the proceeds of Match-

ing Fund Bonds required to be deposited into the Matching Fund Construction Account, and shall deposit into the Interest Subaccount all Net Interest Income required to be deposited into the Matching Fund Construction Account and attributable to the proceeds of Matching Fund Bonds. At such times as the Authority shall direct by certificate filed with the State Treasurer upon the issuance of each series of Matching Fund Bonds, but not less frequently than once during each Fiscal Year of the State, commencing in the Fiscal Year in which such series of bonds are issued and ending in the second full Fiscal Year following such issuance, the State Treasurer shall transfer from the Matching Fund Construction Account to the General Fund such portion of one-half (½) of the Net Matching Fund Interest Income relating to such series of bonds as shall be set forth in such certificate; provided, however, all of the one-half of Net Matching Fund Interest Income shall be so transferred not later than the end of the second full Fiscal Year following the issuance of such bonds; and, provided, further, that amounts, if any, remaining on deposit in the Interest Subaccount at the end of each Fiscal Year shall be transferred to the Proceeds Subaccount. Such transfers shall be made from the Interest Subaccount in the Matching Fund Construction Account, provided, however, if the amount at any time on deposit in the Interest Subaccount is less than the amount of the transfer then required to be made, the difference shall be paid from the Proceeds Subaccount in the Matching Fund Construction Account. Notwithstanding anything to the contrary contained in this Act, withdrawals from the Proceeds Subaccount made in order to provide for such transfers from the Matching Fund Construction Account to the General Fund shall be replenished from the Net Interest Income next received by the State Treasurer and attributable to the investment of proceeds of Matching Fund Bonds deposited into a reserve account created pursuant to the provisions of this Section 10, and, if such Net Interest Income is insufficient therefor, from the Net Interest Income next received by the State treasurer and attributable to the investment of proceeds of Refunding Bonds deposited into a reserve account created pursuant to the provisions of Section 9 hereof. Amounts deposited into the General Fund and attributable to withdrawals from the Proceeds Subaccount shall be expended for capital projects only within three years from the date of issuance of the series of Matching Fund Bonds to which such amounts relate. When the General Fund's one-half of the Net Matching Fund Interest Income has been paid into the General Fund, then the General Fund shall have no further interest in the Net Matching Fund Interest Income and all such Income shall thereafter accrue to the benefit of, and shall be held for eventual disbursement to, the public road and bridge fund.

Withdrawals from the Matching Fund Construction Account for

the purposes set forth in the first paragraph of this Section 10 may be made from the Proceeds Subaccount or the Interest Subaccount to the extent and in the manner provided by resolution of the Authority.

Section 11. Defeasance of Matching Fund Bonds and Refunding Bonds. Any Matching Fund Bond or Refunding Bond issued pursuant to the provisions of this Act shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 12 of this Act, shall no longer constitute a limited obligation of the Authority, and shall be secured solely by and payable solely from moneys and government Securities deposited in trust with the State Treasurer or with one or more trustees or escrow agents as provided herein, whenever there shall be deposited in trust with the State Treasurer or, with the approval of the State Treasurer, deposited in trust with one or more trustees or escrow agents, as provided herein, either moneys or Government Securities the principal of and interest on which when due will provide moneys which, together with the moneys, if any, deposited with the State Treasurer, or with one or more trustees or escrow agents, at the same time, shall be sufficient to pay when due the principal of, premium, if any, and interest due and to become due on such bonds on or prior to the redemption date or maturity date thereof, as the case may be; provided, such Government Securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. Except as provided in the immediately succeeding sentence, neither the Government Securities nor moneys so deposited with the State Treasurer, or with one or more trustees or escrow agents, shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, premium, if any, and interest to become due on such bonds; provided that any cash received from such principal or interest payments on such Government Securities deposited with the State Treasurer, or with one or more trustees or escrow agents, (a) to the extent such cash will not be required at any time for such purpose, shall be retained by, or paid over to the State Treasurer, as the case may be, for deposit in the public road and bridge fund as received, free and clear of any trust, lien, pledge or assignment securing such bonds, and (b) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in Government Securities maturing at times and in amounts sufficient to pay when due the principal of, premium, if any, and interest to become due on such bonds on and prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments to the extent not required for the payment of such bonds shall be retained by or paid over to the State Treasurer, as the case may be, for deposit in

the public road and bridge fund, as received, free and clear of any trust, lien or pledge securing such bonds. Notwithstanding anything to the contrary contained herein: (a) moneys deposited pursuant to the provisions of this Section may be applied and Government Securities so deposited may be redeemed and sold and the proceeds thereof applied to (i) the purchase of the Matching Fund Bonds or Refunding Bonds which were defeased by the deposit with the State Treasurer or with one or more trustees or escrow agents of such moneys and Government Securities and immediately thereafter all Matching Fund Bonds or Refunding Bonds so purchased shall be cancelled, or (ii) the purchase of different Government Securities; provided, however, that the moneys and Government Securities on deposit with the State Treasurer or with one or more trustees or escrow agents after such purchase and cancellation of such Matching Fund Bonds or Refunding Bonds or such purchase of different Government Securities shall be sufficient to pay when due the principal of, premium, if any, and interest on all other Matching Fund Bonds or Refunding Bonds in respect of which such moneys and Government Securities were deposited with the State Treasurer or one or more trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and (b) in the event that on any date, as a result of any purchases and cancellations of Refunding Bonds or any purchases of different Government Securities as provided in this sentence, the total amount of moneys and Government Securities remaining on deposit with the State Treasurer or with one or more trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the State Treasurer or one or more trustees or escrow agents on such date in respect of the remaining Matching Fund Bonds or Refunding Bonds for which such deposit was made in order to pay when due the principal of, premium, if any, and interest on such remaining Matching Fund Bonds or Refunding Bonds, the State Treasurer may deposit the amount of such excess in the public road and bridge fund, or the trustee or escrow agent shall, upon the direction of the State Treasurer, pay, the amount of such excess to the State Treasurer for deposit in the public road and bridge fund free and clear of any trust, lien, pledge or assignment securing such Matching Fund Bonds or Refunding Bonds.

The State Treasurer, acting in the capacity of Trustee, may name one or more trust companies, national banks, or state banks, located either within or without the State, to act as the State Treasurer's depository for any funds escrowed pursuant to the provisions of this Section.

All applications of proceeds and moneys as provided in this Section, including without limitation the investment thereof and the

sale of any related securities, shall be at the direction of the Authority, but subject to the prior approval of the State Treasurer. Any such approval by the State Treasurer may be given at any time, including without limitation at the time of the adoption by the Board of Directors of any resolution relating to any Matching Fund Bond or Refunding Bond, and, once given, such approval shall be irrevocable.

In order to enhance the marketability of Matching Fund bonds and Refunding Bonds, the Authority is authorized, in any resolution of the Board of Directors relating to any Matching Fund or Refunding Bond, to enter into any covenants with the holders of any Matching Fund Bonds or Refunding Bonds which are in furtherance of the purposes of this Section.

Section 12. Appropriation of Revenues to the Authority; Authorization to the Authority to Pledge for the Benefit of the Matching Fund Bonds and Refunding Bonds. For the purpose of providing funds to enable the Authority to pay at their respective maturities, sinking fund redemption dates, or due dates the principal of, premium, if any, and interest on any Matching Fund Bonds or Refunding Bonds that may be issued by the Authority under the provisions of this Act, there hereby is irrevocably pledged to said purpose and appropriated, and the Authority is authorized to pledge

(a) So much as may be necessary for such purpose of those portions of the motor vehicle license taxes and registration fees that are provided to be distributed to the State pursuant to the provisions of Division 1 of Article 5 of Chapter 12 of Title 40 of the Code, as amended, including and without limitation, Act No. 84-186, remaining after the costs of collection thereof;

(b) to such extent and to such extent only as the revenues appropriated under the foregoing subsection (a) of this Section may not be sufficient to pay at their respective maturities, sinking fund redemption dates or due dates the principal of, premium, if any, and interest on the Matching Fund Bonds and Refunding Bonds, so much as may be necessary for such purpose (when added to the amounts appropriated in the foregoing subsection (a) of the State's share of the Net Gasoline Tax Proceeds;

(c) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a) and (b) of this Section may not be sufficient to pay at their respective maturities, sinking fund redemption dates or due dates the principal of, premium, if any, and interest on the Matching Fund Bonds and Refunding Bonds, so much as may be necessary for such purpose (when added to the amounts appropriated in the foregoing subsections (a) and (b)) of the entire proceeds of the following excise taxes remaining

after payment of the costs of collection thereof; (1) the excise tax levied by Article 1 of Chapter 17 of Title 40 of the Code, as amended, on distributors and storers of motor fuel, as therein defined, and (2) the excise tax levied by Article 3 of Chapter 17 of Title 40 of the Code (exclusive of that portion of the said tax in respect of gasoline); the term "cost of collection," as used in this subsection (c), meaning that portion of the excise taxes referred to in this subsection that may be appropriated by the Legislature to the Department of Revenue for its operating expenses;

(d) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b) and (c) of this Section may not be sufficient to pay at their respective maturities, sinking fund redemption dates or due dates the principal of, premium, if any, and interest on the Matching Fund Bonds and Refunding Bonds, so much as may be necessary for such purpose (when added to the amounts appropriated in the foregoing subsections (a), (b) and (c)) of all that portion of the receipts from the inspection fee on certain petroleum products, imposed by Division 1 of Article 5 of Chapter 17 of Title 8 of the Code, as amended, including without limitation, Act No. 84-185, that is required by the said division to be deposited to the credit of the public road and bridge fund;

(e) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b), (c) and (d) of this Section may not be sufficient to pay at their respective maturities, sinking fund redemption dates or due dates the principal of, premium, if any, and interest on the Matching Fund Bonds and the Refunding Bonds, so much as may be necessary for such purpose (when added to the amounts appropriated in the foregoing subsections (a), (b), (c) and (d)) of the receipts from the fee, in respect of identification markers on motor vehicles, that is provided for in Section 40-17-150 of the Code; and

(f) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b), (c), (d) and (e) of this Section may not be sufficient to pay at their respective maturities, sinking fund redemption dates or due dates the principal of, premium, if any, and interest on the Matching Fund Bonds and the Refunding Bonds, so much as may be necessary for such purpose (when added to the amounts appropriated in the foregoing subsections (a), (b), (c), (d) and (e)) of the receipts from the fee, in respect of motor vehicles which require a motor vehicle license, using liquified petroleum gas as a fuel, that is provided for in Section 40-17-160 of the Code.

The Matching Fund Bonds and Refunding Bonds authorized

pursuant to the provisions of this Act shall be deemed to be bonds or obligations referred to in the following Laws of the State: (a) subsection 270(d) (2) (d) of Division 1 of Article 5 of Chapter 12 of Title 40 of the Code, as amended; (b) subsection 72(e) (4) of Division 2 of Article 1 of Chapter 17 of Title 40 of the Code, as amended; and (c) subsection 13(3) of Article 1 of Chapter 17 of Title 40 of the Code, as amended.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of, premium, if any, and the interest on the Matching Fund Bonds and Refunding Bonds. As security for the payment of the principal of, premium, if any, and interest on the Matching Fund Bonds and the Refunding Bonds issued under this Act, the Authority is authorized to pledge the proceeds of the appropriations and pledges herein provided for, including moneys on deposit in any reserve account or interest account herein authorized to be created and the interest income from the investment of moneys on deposit in such reserve account, interest account and the Matching Fund Construction Account and the amounts from time to time on deposit in the Refunding Interest Account and the Matching Fund Interest Account. Any such pledges made of any portion of the tax proceeds and fees referred to in subsections (a), (b), (c), (d), (e) and (f) of this Section, for the benefit of any Matching Fund Bonds or any Refunding Bonds that may be issued hereunder shall be subordinate in all respects to any appropriations or pledges heretofore made for the payment of the Prior Bonds.

Any pledge made pursuant to this Act shall be valid and binding from the time the pledge is made. The income or revenue so pledged shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the State or the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded, except in the records of the Authority.

Section 13. Preservation of Prior Pledges and Covenant by State. It is the intention of the Legislature in enacting this Act to preserve inviolate all appropriations and pledges heretofore made of any portion of the proceeds of the taxes and fees referred to in subsections (a) to (e), inclusive, of Section 12 for the benefit of the Prior Bonds.

The State hereby covenants and agrees with the holders of any Matching Fund Bonds or Refunding Bonds issued pursuant to this

Act that while any such bonds are outstanding and unpaid, unless provisions shall have been made for the payment thereof in accordance with the provisions of Section 11 hereof, (a) the State will not appropriate or pledge any portion of the tax proceeds and fees referred to in subsections (a) to (f), inclusive, of Section 12 hereof, for the benefit of any obligations that may at any time be issued pursuant to any statute superior to the pledge made herein for the benefit of Matching Fund Bonds and Refunding Bonds herein authorized, (b) the State will not appropriate or pledge any portion of the tax proceeds and fees referred to in subsections (a) to (f), inclusive, of Section 12 hereof, for the benefit of any obligations that may at any time be issued pursuant to any statute on a parity with the pledge made herein for the benefit of Matching Fund Bonds and Refunding Bonds herein authorized unless the issuance of such obligations is conditioned upon the demonstration of compliance with such debt service coverage test or tests as the Authority shall determine in any resolution authorizing the issuance of Matching Fund Bonds or Refunding Bonds, and (c) the State will not change or otherwise alter the duties, responsibilities, obligations or authority of the State Treasurer or the Authority as provided herein in a manner adverse to the interests of any holder of any Matching Fund Bonds or Refunding Bonds issued under this Act. Nothing contained herein shall be construed so as to limit the ability of the Legislature to appropriate or pledge any portion of the tax proceeds and fees referred to in subsections (a) to (f), inclusive, of Section 12 hereof for the benefit of any obligations that may at any time be issued pursuant to any statute subordinate to the pledge made herein for the benefit of Matching Fund Bonds and Refunding Bonds.

The Authority is hereby authorized in any resolution authorizing the issuance of Matching Fund Bonds or Refunding Bonds to establish a debt service coverage test or tests which must be met as a condition precedent to the issuance of any obligation to which the tax proceeds and fees referred to in subsections (a) to (f), inclusive, of Section 12 hereof are pledged on a parity with the pledge made herein to Matching Fund Bonds and Refunding Bonds; provided, however, such debt service coverage test shall not be any more restrictive than the following: the aggregate of the taxes and fees referred to in subsections (a) to (f), inclusive, of Section 12 imposed by the State and in effect upon the date of issuance of said additional parity obligations, actually received in each of the last preceding three (3) fiscal years of the State must have amounted to at least four (4) times the maximum principal and interest requirement which will fall due in any future period of twelve (12) months on the obligations so proposed to be issued and all then Outstanding Bonds or other obligations to which are pledged the taxes and fees referred to in subsections (a) to (f), inclusive, of Section 12 hereof, other than

those Outstanding Bonds or other obligations for which provision has been made for the payment thereof in accordance with the provisions of Sections 9 or 11 of this Act or in accordance with the terms of such bonds or other obligations. Any obligations payable from the taxes and fees referred to in subsections (a) to (f), inclusive, of Section 12 hereof, which do not meet the debt service coverage test or tests as provided by resolution of the Authority shall be in all respects subordinate to Matching Fund Bonds and Refunding Bonds.

Notwithstanding any law to the contrary, the appropriations and pledges herein made for the benefit of any Matching Fund Bonds or Refunding Bonds issued under the provisions of this Act shall be prior and superior to any appropriations and pledges for the benefit of any obligations that may at any time after the effective date of this Act be issued under the provisions of Section 23-1-314 of the Code, as amended.

Section 14. Adoption of Certain Provisions of the 1955 Act. The provisions of Section 8 of the 1955 Act with respect to highway and bridge construction, the letting and approval of contracts therefor, the supervision of construction work, the making of rules and regulations for protection of public ways and of the traveling public shall apply to the highways and bridges constructed and reconstructed with proceeds from the Matching Fund Bonds.

Section 15. Covenant by State as to Taxes and Fees. For the benefit of the holders from time to time of the Matching Fund Bonds or the Refunding Bonds herein authorized, and in order to secure maximum prices for said bonds, and in consideration of the purchase and acceptance of said bonds by said holders, the Legislature of the State of Alabama agrees that while any of such Matching Fund Bonds or Refunding Bonds are outstanding and unpaid, unless provision shall have been made for the payment thereof in accordance with the provisions of Section 11 hereof, it will not repeal, amend or modify any law pertaining to the taxes and fees appropriated and pledged to the payment of such bonds pursuant to Section 12 hereof if the effect thereof would be to cause a reduction in the amount of revenues so appropriated and pledged, unless, if such repeal, amendment or modification had been effective throughout the last preceding fiscal year of the State, the remaining revenues so appropriated and pledged from any source after giving effect to such repeal, amendment or modification would have equaled at least two (2) times the maximum principal and interest requirement which will fall due in any subsequent period of twelve (12) months on all then outstanding Matching Fund Bonds, Refunding Bonds and any other bonds to which such taxes and fees are pledged on a parity with the Matching Fund Bonds and Refunding Bonds.

It is the intention of the Legislature that the Legislature shall have the power to alter, amend, modify or repeal any one or more or all of the taxes and fees appropriated and pledged herein so long as such action, taken together with any other pledges and appropriations of taxes, fees and revenues which shall have been enacted, shall not reduce aggregate revenues of pledged taxes, fees or other revenue sources remaining after such action to a level below the level of debt service coverage prescribed in the immediately preceding sentence.

Section 16. State Treasurer to Disburse Funds. Out of the moneys pledged in Section 12 of this Act, the State Treasurer is authorized and directed to pay the principal of, premium, if any, and interest on the Matching Fund Bonds and the Refunding Bonds as provided in the resolution of the Authority pursuant to which such bonds are issued, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 17. Severability Clause; Repeal of Inconsistent Acts. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

It is the intent of the Legislature that in the event of any conflict or inconsistency in the provisions of this Act and any other acts pertaining to matters herein established or provided for, to the extent of such conflict or inconsistency, the provisions of this Act shall be enforced and the provisions of such other acts shall be of no effect.

Section 18. Effective Date. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved June 11, 1984

Time: 4:20 P.M.

Act No. 84-742 S.J.R. 23—Senators deGraffenried and Bishop

SENATE JOINT RESOLUTION

COMMENDING THE GULF STATES PAPER CORPORATION, 1884-1984.

WHEREAS, Gulf States Paper Corporation is celebrating its 100th Anniversary during 1984; and

WHEREAS, the National Headquarters of this dynamic company is located in Tuscaloosa, Alabama; and

WHEREAS, Gulf States Paper Corporation introduced the modern paper industry to Alabama and continues to play a major role in making Alabama one of the leading states in the production of forest and paper products; and

WHEREAS, the corporation has operations in 21 Alabama counties and seven other states and employs more than 1,300 Alabamians; and

WHEREAS, these Alabama operations include extensive land holdings producing lumber, timber, poles, Christmas trees and other forest products; a pulp and paperboard mill in Demopolis; a folding carton plant in Maplesville; and a host of operating companies including Westervelt Land Company, Moldwood Products Company, Log Industries, Timber Managers Company, Westervelt Hunting Lodge, Loper Lumber Company, Westervelt Tree Company, Cosmos Tablet Company, NorthRiver and other interests; and

WHEREAS, Gulf States Paper Corporation is known for its tradition of quality, excellence and responsibility as signified in its motto, "Quality Counts"; and

WHEREAS, Gulf States Paper Corporation has been family owned for four generations; and

WHEREAS, the dynamic leadership of its President and Chairman of the Board, Jack Warner, has resulted in continued growth and diversification for many years; and

WHEREAS, Gulf States Paper Corporation has shown itself to be a leader in industry, civic and community affairs and has contributed greatly to the economic progress and quality of life that make Alabama great; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby congratulate and commend Jack Warner and all the officers, directors and employees of Gulf States Paper Corporation upon the occasion of the corporation's 100th Anniversary and extend sincere best wishes for continued success in the future.

BE IT FURTHER RESOLVED, That a copy of this commendatory resolution of the Legislature be provided for presentation to Gulf States Paper Corporation, Tuscaloosa, Alabama.

Approved June 11, 1984

Time: 4:20 P.M.

Act No. 84-743 S.J.R. 7—Senator Holmes

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT CONCERNING AN APPROPRIATION TO THE ALABAMA SMALL BUSINESS PROCUREMENT SYSTEM.

WHEREAS, the Legislature has appropriated $150,000 to the Alabama Small Business Procurement System for the fiscal year ending September 30, 1985, through the passage of Act No. 84-330, H. 231 of the 1984 Regular Session; and

WHEREAS, in 1982 the U.S. Government spent $3.2 billion for procurement in Alabama and Alabama firms received only five percent (5%) of that business; and

WHEREAS, the purpose of the System is to build on the existing network of twelve (12) Small Business Development Centers (SBDC's) in Alabama to develop government procurement/contracting opportunities for Alabama small businesses; and

WHEREAS, the proposed automated data-based State of Alabama Small Business Procurement System would have the following configuration:

1. System development, maintenance, and control functioning would be housed at the ASBDC State Office at The University of Alabama in Birmingham.

2. System Input—Information concerning invitations for bid (IFB), pre-bid announcements and related contract data would be accumulated from federal government purchasing offices in Florida, Georgia, Alabama, Mississippi, Louisiana, and Tennessee; State of Alabama purchasing offices; local government agencies including county, city, school board, and related agencies; and prime contractors and private industry summarized and entered into the system. Contracting capabilities of Alabama firms would be entered into the system.

3. System Output—System would match each client firm's capabilities with contracting opportunities and prepare pre-mailer to firm as notification of the contracting opportunity on a weekly basis. This output would occur at each of the twelve (12) local SBDC's.

Local SBDC staff would provide follow-through with client firms and on-going consultation; and

WHEREAS, the proposed System, after two (2) years of operation, should double the amount of government contracting dollars going to Alabama's small businesses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby declare that it is the legislative intent that the specific $150,000 appropriation within Act No. 84-330 of the 1984 Regular Session be exclusively utilized for the aforementioned purposes of the Alabama Small Business Procurement System.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-744 S.J.R. 13—Senator Holmes

SENATE JOINT RESOLUTION

CREATING JOINT INTERIM COMMITTEE TO STUDY SMALL BUSINESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to be composed of three members of the Senate, appointed by the presiding officer and three members of the House of Representatives, appointed by the Speaker. The committee shall study all aspects of the problems facing small business, including any recommendations in the area of assistance. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clark of the House shall provide such clerical assistance as may necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed $6,000.00.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-745

S. 2—Senators Mitchem, Little, Teague, Smith (J), Dixon, Langford, Aldridge, Bennett, Holmes, Amari, Ellis, Strong, Foshee, Covington, Dial, Menton, Bailey and Parsons

AN ACT

To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1985.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1984, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and state judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health shall receive a 10% salary increase. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. The provisions of this bill shall not apply to any local employee whose salary is tied to that of any state employee. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purposes of paying the salary increase for state employees and officials.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1984 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted

into law during the 1984 Regular or Special sessions of the legislature. In the event that any circuit clerk or register receives a salary increase greater than 10 percent under the provisions of Senate Bill 7 as passed in the 1984 First Special Session, that circuit clerk or register will not be covered under the provisions of this bill. Any and all other circuit clerks or registers will be eligible to receive a salary increase up to 10 percent under the provisions of this bill.

Section 3. The director of the state personnel department shall revise the schedule or rates set forth in the pay plan for state employees and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to legislative employees, the secretary of the senate for senate employees, the clerk of the house of representatives for house employees, the director of the Legislative Reference Service for Legislative Reference Service employees, and the director of the Legislative Fiscal Office for Legislative Fiscal Office employees shall revise the schedule or rates set forth in the pay plan for such legislative employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1984, from such funds as the salaries of the several state employees are paid.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective on September 17, 1984, with the first payment on October 12, 1984, for all employees covered by this Act who are paid bi-weekly, and effective on October 1, 1984, for all employees covered by this Act whose salaries are set annually and who are paid semi-monthly, and upon approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-746

H. 106—Reps. Hettinger, Grayson, Albright, Butler

AN ACT

To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

Be It Enacted by the Legislature of Alabama:

Section 1. Each municipality in this State holding property as the site of an industrial park is hereby authorized to make and enter into binding option agreements for the sale of all or any portion of said industrial park, subject however, to the following conditions and limitations:

(a) No option shall be entered into for a period exceeding one year.

(b) Where an appraisal is required pursuant to Section 11-53-3, Code of Alabama 1975, the option amount shall be for not less than the average of the market value stated in two independent appraisals dated not earlier than sixty days prior to consummation of the option agreement. Where the option agreement is for less than one year, said original option agreement may be extended by the municipality up to a maximum of one year without new appraisals. When the provisions on any constitutional amendment relieve or exempt the municipality from the provisions of Section 94 of the Constitution of 1901, no appraisal shall be necessary, provided the provisions of any such amendment are followed and the option is specifically made subject to the provisions of such amendment, and the option is for no longer than two years.

(c) Where the provisions of any constitutional amendment relieve or exempt any municipality from the provisions of Section 94 of the 1901 Constitution of Alabama, as amended, with respect to land acquired and held by said municipality as an industrial site, or industrial park, then the provisions of such constitutional amendment shall apply; provided however, that no municipality relieved or exempted from the provisions of said Section 94 shall sell any real property held as an industrial site or industrial park, for a price less than the actual purchase and development cost of such property unless:

(1) A public meeting is held at which a price is approved by the governing body; provided further, that notice of such meeting has first been published, at least fourteen (14) days prior to holding such meetings, in a newspaper with the largest circulation in the county in which the property is located stating: (i) the acreage pro-

posed to be sold, (ii) the section of sections or subdivisions of record in which the property is located, (iii) the price per acre at which sale is proposed to be made, and (iv) the place where a map of the property can be examined by the public; and

(2) The price thus approved is no less than the price advertised as hereinabove stated.

(d) At least 10% of the total purchase price shall be paid by the optionee at the time of the option agreement, which said payment may be credited against the purchase price upon closing, but may not be returned to the optionee in the event the option agreement is not exercised.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-747 H.J.R. 53—Reps. White (F), Johnson (Roy), Holley

HOUSE JOINT RESOLUTION

DIRECTING THAT THE STATUE OF GOVERNOR LURLEEN WALLACE BE RETURNED TO THE ROTUNDA FOLLOWING CAPITOL RENOVATION.

WHEREAS, the late Lurleen Burns Wallace served as Governor of the State of Alabama from January 1967 until her untimely death on May 7, 1968; and

WHEREAS, shortly after the death of this beloved lady, the first and only woman ever to be elected Governor of the State of Alabama, a statue was erected in the Capitol Rotunda and dedicated as a memorial to her life and her service to the citizens of Alabama; and

WHEREAS, during the forthcoming renovation of the Capitol interior, it will of course be necessary to remove the marble likeness of Governor Lurleen Wallace from its central spot in the Rotunda; and

WHEREAS, it is the specific desire of this body, however, that upon completion of the interior restoration of the Capitol, the statue of Governor Lurleen Wallace be returned to its present location; and

WHEREAS, further, not only is it desirable that this statue be

returned to its site of dedication, but that it also be replaced for the historical significance of Governor Lurleen Wallace's gubernatorial tenure and for the maximum protection of the statue's white marble composition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby direct that immediately upon completion of the renovation of the Capitol interior, the white marble statue of our late, beloved Governor, Lurleen B. Wallace, shall be replaced in its present central location in the Capitol Rotunda.

BE IT FURTHER RESOLVED, That by copy of this resolution, the Clerk of the House shall forthwith notify the proper authorities of this directive of the Alabama Legislature.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-748 H.J.R. 99—Reps. Hall, Richardson

HOUSE JOINT RESOLUTION

LEGISLATIVE INTENT RELATIVE TO ACT NOS. 84-441 AND 84-429, REGULAR SESSION 1984, RELATING TO JACKSON COUNTY ECONOMIC DEVELOPMENT BOARD.

WHEREAS, the Alabama Legislature enacted House Bills 789 and 790 which became Act Nos. 84-441 and 84-429, Regular Session 1984, respectively, which acts created and funded the Jackson County Economic Development Board; and

WHEREAS, the Alabama Legislature specifically intended by enacting said acts that the Jackson County Economic Development Board be funded solely through the allocation of T.V.A. payments made to Jackson County, as provided by Act 84-429, supra, and the power granted the authority for purposes of finances in Section 3 of Act No. 84-441, supra, in pertinent part specifically provided:

"The authority shall have the authority to solicit and receive contributions from other government entities, corporations, partnerships or individuals"; and

WHEREAS, The Alabama Legislature is informed certain board members are preparing to borrow funds; and

WHEREAS, the Alabama Legislature notes that the Section 94 of the Constitution of 1901 expressly prohibits the legislature from authorizing "any county . . . or other subdivision of this state to

lend its credit, or to grant public money or thing of value in aid of any . . . corporation whatsoever" and borrowing by the said economic board would violate the spirit of such constitutional prohibition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do expressly declare that the legislative intent in enacting Act Nos. 84-441 and 84-429, Regular Session 1984, did not include borrowing powers by the Jackson County Economic Development Board and we do direct the members of said board to cease and desist from any borrowing activities.

RESOLVED FURTHER, That a copy of this resolution shall be sent to each member of the Jackson County Economic Development Board and the Jackson County governing body.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-749 H.J.R. 109—Rep. Bowling

HOUSE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, INCLUDING OLD AGE PENSION PROGRAMS, MEDICAID AND SOCIAL PROGRAMS FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare, including old age pension programs, and social programs, as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the

hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate and to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The Committee shall thoroughly study and investigate the programs, policies, regulations and procedures of all welfare, medicaid and social program, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 15th legislative day of the 1985 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed $9,000.00 per annum.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-750

H.J.R. 110—Reps. Kennedy, Buskey (James), Thomas, Black, Clark (W), Holmes, Spratt, Bryant, Buskey (John), McDowell, Davis, Perdue, Horn, Melton, Grayson, Reed

HOUSE JOINT RESOLUTION

COMMENDING MISS ANNE MARIA SCOTT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Anne Maria Scott who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1984 Regular Session, Miss Scott was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Scott, who is the daughter of Charles and Minnie K. Scott of Montgomery, plans to continue pursuit of her educational studies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Anne Maria Scott and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Scott that she may know of our sincere regard and warm best wishes for her every future success.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-751

H.J.R. 111—Reps. Kennedy, Buskey (James), Thomas, Black, Clark (W), Holmes, Spratt, Bryant, Buskey (John), McDowell, Davis, Perdue, Horn, Melton, Grayson, Reed

HOUSE JOINT RESOLUTION

COMMENDING MISS CHRISTELLA MOORER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Christella Moorer, who has served as secretary for the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1983-84 Regular Sessions, Miss Moorer was charged with numerous secretarial duties such as typist, telephone receptionist, file clerk and general office worker; and

WHEREAS, the daughter of Mrs. Mary Caldwell Moorer of Montgomery, Miss Moorer's future plans are to finish her education in Business Administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Christella Moorer and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Moorer that she may know of our sincere regard and warm best wishes for her every future success.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-752 H.J.R. 112—Reps. Kennedy, Buskey (James), Thomas, Black, Clark (W), Holmes, Spratt, Bryant, Buskey (John), McDowell, Davis, Perdue, Horn, Melton, Grayson, Reed

HOUSE JOINT RESOLUTION

COMMENDING MISS OLIVIA TURNER FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service

rendered by Miss Olivia Turner who, as an intern with the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1984 Regular Session, Miss Turner was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of her internship, Miss Turner, who is the daughter of Mrs. Edith Turner of Montgomery, plans to pursue a career in the area of Criminal Justice Reform; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Olivia Turner and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Turner that she may know of our sincere regard and warm best wishes for her every future success.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-753

H.J.R. 113—Reps. Kennedy, Buskey (James), Thomas, Black, Clark (W), Holmes, Spratt, Bryant, Buskey (John), McDowell, Davis, Perdue, Horn, Melton, Grayson, Reed

HOUSE JOINT RESOLUTION

COMMENDING MR. NORBERT HERSHAEL WILLIAMS FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Mr. Norbert Hershael Williams who, as an intern with

the Southern Legislative Research Council, worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the caucus during the 1984 Regular Session, Mr. Williams was charged with responsibilities to monitor committees and floor deliberations; to review legislative proposals of state governmental departments; review first readings and develop analyses of pending legislation, or proposals, in specified issue areas; and to assist in the preparation of a weekly Legislative Bulletin; and

WHEREAS, following completion of his internship, Mr. Williams, who is the son of Mr. W. J. Williams of Montgomery, plans to attend Law School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mr. Norbert Hershael Williams and express our deep appreciation, as well, for his assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Williams that he may know of our sincere regard and warm best wishes for his every future success.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-754 H.J.R. 119—Reps. Buskey (John), Buskey (James)

HOUSE JOINT RESOLUTION

HONORING JOE P. McCALL OF MONTGOMERY, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous contributions made by Mr. Joe P. McCall of Montgomery, Alabama; and

WHEREAS, a native of Lowndes County, Joe P. McCall was born in 1946 to Martha and Cleve McCall; at age 16, he moved to Montgomery and graduated from Carver High School in 1965; and

WHEREAS, he attended Trenholm State Technical College, Alabama Christian College, from which he received his AA degree, and Troy State University in Montgomery, receiving his BS degree in Psychology in 1982; he has been employed by the Army and Air Force Exchange for 13 years as an EEO counselor; and

WHEREAS, in 1968, Brother McCall began his life of devotion to the Lord at the Vineyard Church and for the past 13 years, he has been the preacher at Finley Avenue Church of Christ; and

WHEREAS, he is truly a Christian man of integrity and dignity, devoted to his loving wife Marcia and their four children, Omar, Preston, Joval, and DeAnna; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly honor Mr. Joe P. McCall of Montgomery, Alabama, for his deep devotion to the betterment of mankind and direct that a copy of this resolution be sent to him and his family as evidence of our esteem and warmest personal regard.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-755 H.J.R. 107—Rep. White (L)

HOUSE JOINT RESOLUTION

NAMING S. B. 17 OF THE 1984 FIRST SPECIAL SESSION, THE "HOLMES-LAIRD ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S.B. 17 of the 1984 First Special Session, as enacted, shall be known as the "Holmes-Laird Act."

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-756 S. 153—Senators Bishop, Parsons, Langford, Covington, Dixon, Corbett, Menton, Foshee, Ellis, Hilliard, Amari, Cooley, Aldridge, Hand and Bedsole

AN ACT

To allow certain foreign and domestic corporations which qualify for S corporation treatment under the Internal Revenue Code to pass the tax treatment through to shareholders as provided by the Internal Revenue Code instead of being taxed as provided by section 40-18-31, Code of Alabama 1975, on the entire net income of the

corporation; and to provide for the determination of the amount of taxable income for such corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. For all taxable years beginning January 1, 1985, and thereafter, any foreign or domestic corporation which has in effect an election to be an S corporation under 26 U.S.C. § 1362 as in effect from time to time and which has gross sales in excess of $10 million in the state of Alabama during the tax year such election is effective may elect to be an Alabama S corporation for the purposes of this act. No such election shall be effective for any taxable year of the corporation during which an election under said 26 U.S.C. § 1362 is not in effect for federal income tax purposes.

(1) The election to be an Alabama S corporation shall be made or terminated in accordance with said 26 U.S.C. § 1362 and regulations promulgated by the department of revenue.

(2) No election to be an Alabama S corporation shall be effective or remain in effect unless each shareholder who is not a resident of Alabama files with the department of revenue, on or before the date the corporation's return is due under chapter 18, Title 40, Code of Alabama 1975, a consent to report the items specified in Section 2 herein for purposes of this act and to pay the tax imposed by section 40-18-2, Code of Alabama 1975, arising from such items.

(3) The tax imposed by section 40-18-31, Code of Alabama 1975, shall not apply to any corporation which has validly elected to be an Alabama S corporation.

Section 2. (a) The taxable income of an Alabama S corporation shall be determined in the same manner as in the case of an individual except that the items determined in subdivision (1), subsection (a) of Section 3 of this act shall be separately stated, and the following deductions shall not be allowed:

(1) Personal exemptions otherwise allowed by section 40-18-19, Code of Alabama 1975;

(2) Income taxes paid to possessions of the United States otherwise allowed by section 40-18-15(a)(3)a, Code of Alabama 1975;

(3) Charitable contributions otherwise allowed by section 40-18-15(a)(10), Code of Alabama 1975;

(4) The net operating loss deduction otherwise allowed by sections 40-18-15(a)(16) and 40-18-35.1, Code of Alabama 1975;

(5) Medical expenses otherwise allowed by section 40-18-15(a)(13) Code of Alabama 1975;

(6) Alimony otherwise allowed by section 40-18-15(a)(18), Code of Alabama 1975;

(7) Moving expenses otherwise allowed by section 40-18-15(a)(19), Code of Alabama 1975;

(8) Contributions to individual retirement accounts otherwise allowed by section 40-18-15(a)(11), Code of Alabama 1975;

(9) Depletion on oil or gas wells otherwise allowed by section 40-18-15(a)(9), Code of Alabama 1975.

(b) The taxable income shall be allocated and apportioned in the same manner as a foreign corporation and in accordance with regulations promulgated by the department of revenue.

(c) Any election affecting the computation of items derived from an Alabama S corporation shall be made by the corporation.

(d) If an Alabama S corporation makes a distribution of property, other than an obligation of such corporation, with respect to its stock, and the fair market value of such property exceeds its adjusted basis in the hands of the Alabama S corporation, then gain shall be recognized to the Alabama S corporation on the distribution in the same manner as if it had sold such property to the distributee at its fair market value.

Section 3. (a) In determining the tax of a shareholder for the shareholder's taxable year in which the taxable year of the Alabama S corporation ends, or for the final taxable year of a shareholder who dies before the end of the corporation's taxable year, there shall be taken into account the shareholder's pro rata share of the corporation's:

(1) Items of income, including tax-exempt income, loss, deduction, or credit the separate treatment of which could affect the liability for tax of any shareholder, including charitable contributions and income taxes paid to possessions of the United States, and

(2) Nonseparately computed income or loss. The term "nonseparately computed income or loss" means gross income minus the deductions allowed to the corporation under this act, determined by excluding all items described in subdivision (1) of this subsection.

(b) The character of any item included in a shareholder's pro rata share under subsection (a) of this section shall be determined as if such item were realized directly from the source from which realized by the corporation, or incurred in the same manner as incurred by the corporation.

(c) In any case where it is necessary to determine the gross income of a shareholder for purposes of this act, such gross income

shall include the shareholder's pro rata share of the gross income of the corporation.

(d) The following special rules for losses and deductions shall apply:

(1) The aggregate amount of losses and deductions taken into account by a share holder under subsection (a) of this section for any taxable year shall not exceed the sum of:

a. The adjusted basis of the shareholder's stock in the Alabama S corporation as determined with regard to subsection (a) of Section 5 of this act for the taxable year, and

b. The shareholder's adjusted basis of any indebtedness of the Alabama S corporation to the shareholder as determined without regard to any adjustment under subsection (b) of Section 5 of this act for the taxable year.

(2) Any loss or deduction which is disallowed for any taxable year by reason of subdivision (1) of this subsection (d) of Section 2 of this act shall be treated as incurred by the corporation in the succeeding taxable year with respect to that shareholder.

(3) The carryover of disallowed losses and deductions to the post-termination transition period shall be determined as follows:

a. If for the last taxable year of a corporation for which it was an Alabama S corporation, a loss or deduction was disallowed by reason of subdivision (1) of this subsection (d) of Section 2 of this act, such loss or deduction shall be treated as incurred by the shareholder on the last day of any post-termination transition period.

b. The aggregate amount of losses and deductions taken into account by a shareholder under paragraph a of subdivision (1) of this subsection (d) of Section 2 of this act shall not exceed the adjusted basis of the shareholder's stock in the corporation as determined at the close of the last day of the post-termination transition period and without regard to this paragraph.

c. The shareholder's basis in the stock of the corporation shall be reduced by the amount allowed as a deduction by reason of this paragraph.

Section 4. If an individual who is the spouse or lineal descendant or ancestor of one or more shareholders of an Alabama S corporation or who is a spouse, a lineal descendant or ancestor of a beneficiary of a trust which is a shareholder of an Alabama S corporation renders services for the corporation or furnishes capital to the corporation without receiving reasonable compensation therefor, the department of revenue shall make such adjustments in the items

taken into account by such individual and such shareholders as may be necessary in order to reflect the value of such services or capital.

Section 5. (a) The basis of each shareholder's stock in an Alabama S corporation shall be increased for any period by the sum of the following items determined with respect to that shareholder for such period:

(1) The items of income described in subdivision (1) of subsection (a) of Section 3;

(2) Any nonseparately computed income determined under subdivision (2) of subsection (a) of Section 3; and

(3) The excess of the deductions for depletion over the basis of the property subject to depletion.

(b) The basis of each shareholder's stock in an Alabama S corporation shall be decreased for any period, but not below zero, by the sum of the following items determined with respect to the shareholder for such period:

(1) Distributions by the corporation which were not includible in the income of the shareholder by reason of Section 6 of this act;

(2) The items of loss and deduction described in subdivision (1) of subsection (a) of Section 3;

(3) Any nonseparately computed loss determined under subdivision (2) of subsection (a) of Section 3;

(4) Any expense of the corporation not deductible in computing its taxable income and not properly chargeable to capital account; and

(5) The amount of the shareholder's deduction for depletion with respect to oil and gas wells.

(c) The following special rules shall apply:

(1) An amount which is required to be included in the gross income of a shareholder and shown on his return shall be taken into account under subdivision (1) and (2) of subsection (a) of Section 5 only to the extent such amount is included in the shareholder's gross income on his return, increased or decreased by an adjustment of such amount in a redetermination of the shareholder's tax liability.

(2) a. If for any taxable year the amount specified in subdivisions (2), (3), (4), and (5) of subsection (b) of Section 5 exceed the amount which reduces the shareholder's basis to zero, such excess shall be applied to reduce, but not below zero, the shareholder's basis in any indebtedness of the Alabama S corporation to the shareholder.

b. If for any taxable year there is a reduction under paragraph a of this subdivision (2) in the shareholder's basis in the indebtedness of an Alabama S corporation to a shareholder, any net increase, after the application of subsections (a) and (b) of this section, for any subsequent taxable year shall be applied to restore such reduction in basis before any of it may be used to increase the shareholder's basis in the stock of the Alabama S corporation.

(3) Sections 2 through 5 of this act shall be applied before determining the amount of loss in any taxable year of the shareholder or the corporation in which the stock becomes worthless.

Section 6. (a) A distribution of property made by an Alabama S corporation with respect to its stock to which, but for this act, section 45-18-36, Code of Alabama 1975, would apply shall be treated in the manner provided in subsection (b) or (c) of Section 5, whichever applies.

(b) In the case of a distribution described in subsection (a) of Section 5 by an Alabama S corporation which has no accumulated earnings and profits:

(1) The distribution shall not be included in gross income to the extent that it does not exceed the adjusted basis of the stock.

(2) If the amount of the distribution exceeds the adjusted basis of the stock, such excess shall be treated as gain from the sale or exchange of property.

(c) In the case of a distribution described in subsection (a) of this Section 6 by an Alabama S corporation which has accumulated earnings and profits:

(1) That portion of the distribution which does not exceed the accumulated adjustments account shall be treated in the manner provided by subsection (b) of this Section 6.

(2) That portion of the distribution which remains after the application of paragraph a shall be treated as a dividend to the extent it does not exceed the accumulated earnings and profits of the Alabama S corporation.

(3) Any portion of the distribution remaining after the application of subdivision (2) of this subsection (c) of Section 6 shall be treated in the manner provided by subsection (b) of this section.

(d) Subsections (a) and (b) of this section shall be applied by taking into account to the extent proper:

(1) The adjustments to the basis of the shareholder's stock described in Section 5, and

(2) The adjustments to the accumulated adjustments account which are required by Section 7.

Section 7. (a) For purposes of this act, the term "accumulated adjustments account" means an account of the Alabama S corporation which is adjusted for the S period in a manner similar to the adjustments under Section 5 hereof, except that no adjustment shall be made for income which is exempt from tax under this act and no adjustment shall be made for any expense not deductible in computing the corporation's taxable income and not properly chargeable to capital account. In the case of any redemption which is treated as an exchange under section 40-18-36, Code of Alabama 1975, the adjustment in the accumulated adjustments account shall be an amount which bears the same ratio to the balance in such account as the number of shares redeemed in such redemption bears to the number of shares of stock in the corporation immediately before such redemption.

The term "S period" means the most recent continuous period during which the corporation has been an Alabama S corporation. Such period shall not include any taxable year beginning before January 1, 1985.

(b) An Alabama S corporation may, with the consent of all of its affected shareholders, elect to have subdivision (1) of subsection (c) of Section 6 not apply to all distributions made during the taxable year for which the election is made. For purposes of this subsection, the term "affected shareholder" means any shareholder to whom a distribution is made by the Alabama S corporation during the taxable year.

Section 8. (a) Except to the extent inconsistent with this act, the rules of chapter 18, Title 40, Code of Alabama 1975, shall apply to an Alabama S corporation and its shareholders.

(b) For purposes of this act, an Alabama S corporation in its capacity as a share holder of another corporation shall be treated as an individual.

Section 9. No carryforward and no carryback arising for a taxable year for which a corporation is not an Alabama S corporation may be carried to a taxable year which such corporation is an Alabama S corporation. No carryforward and no carryback shall arise at the corporate level for a taxable year for which a corporation is an Alabama S corporation. Nothing in this section shall prevent treating a taxable year for which a corporation is an Alabama S corporation as a taxable year for purposes of determining the number of taxable years to which an item may be carried back or carried forward.

Section 10. (a) Except as provided in subsections (b) and (c) of this section, no adjustment shall be made to the earnings and profits of an Alabama S corporation.

(b) In the case of any transaction involving redemption, liquidation, reorganization or division of any Alabama S corporation, proper adjustment to any accumulated earnings and profits of the corporation shall be made.

(c) Subsection (a) of this section shall not apply with respect to that portion of a distribution which is treated as a dividend under subdivision (2) of subsection (b) of Section 6.

(d) Any distribution of money by a corporation with respect to its stock during a post-termination transition period shall be applied against and reduce the adjusted basis of the stock, to the extent that the amount of the distribution does not exceed the accumulated adjustments account.

Section 11. For purposes of applying the provisions of this act which relate to employee fringe benefits, the Alabama S corporation shall be treated as a partnership, and any two-percent shareholder of the Alabama S corporation shall be treated as a partner of such partnership. The term "two-percent shareholder" means any person who owns, or is considered as owning in accordance with 26 U.S.C. § 318 as in effect on January 1, 1984, on any day during the taxable year of the Alabama S corporation more than two percent of the outstanding stock of such corporation or stock possessing more than two percent of the total combined voting power of all stock of such corporation.

Section 12. (a) For purposes of this section, except as provided in subsection (b), each shareholder's pro rata share of any item for any taxable year shall be the sum of the amounts determined with respect to the shareholder by assigning an equal portion of such item to each day of the taxable year, and then by dividing that portion pro rata among the shares outstanding on such day.

(b) Under regulations prescribed by the department of revenue, if any shareholder terminates his interest in the corporation during the taxable year and all persons who are shareholders during the taxable year agree to the application of this subsection, subsection (a) of this section shall be applied as if the taxable year consisted of two taxable years the first of which ends on the date of the termination.

Section 13. (a) For purposes of this act, the term "post-termination transition period" means:

(1) The period beginning on the day after the last day of the

corporation's last taxable year as an Alabama S corporation and ending on the later of:

a. The day which is one year after such last day, or

b. The due date for filing the return for such last year as an Alabama S corporation, including extensions; and

(2) The 120-day period beginning on the date of a determination that the corporation's election to be treated as an Alabama S corporation had terminated for a previous taxable year.

(b) The term "determination" means:

(1) That the corporation's failure to qualify as an S corporation for federal income tax purposes has been established by:

a. A court decision which becomes final,

b. A closing agreement, or

c. An agreement between the corporation and the United States Secretary of the Treasury; or

(2) That the corporation's failure to qualify as an Alabama S corporation has been established by:

a. A court decision which becomes final, or

b. An agreement between the corporation and the department of revenue.

Section 14. Due consideration shall be given in the interpretation of this act to applicable sections of the U.S. Internal Revenue Code in effect from time to time, its rulings and regulations provided such Code, rulings and regulations are not in direct conflict with any portion of this act.

Section 15. All laws or parts of laws which conflict with this act are repealed.

Section 16. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. This act shall become effective following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-757 S. 112—Senator Denton

AN ACT

To amend Section 36-23-1, Code of Alabama 1975, relating to the number of constables for each county, so as to permit any county, by local legislation to abolish such office in that county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-23-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 36-23-1. (a) There shall be one constable for each election precinct in each county, to be elected as provided by law, who shall hold office for four years from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

"(b) Any county, by local legislation, may abolish the office of constable."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 2:15 P.M.

Act No. 84-758 S. 99—Senator Foshee

AN ACT

To amend 1975 Code of Alabama, Section 41-9-71, to conform to current operating procedures and laws which have been revised since passage of this act in 1935.

Be It Enacted by the Legislature of Alabama:

Section 1. The secretary of the board of adjustment shall make a record of and file in the office of the secretary of state a history of the case, together with the findings and awards of the board of adjustment, and shall deliver to the agencies, commissions, boards, institutions or departments against whom the award is made and by whom payment must be made a certified copy of its findings and awards.

Upon receipt of such a copy of the findings and awards of the board of adjustment, the agencies, commissions, boards, institutions or departments will voucher and certify same to the comptroller of the state of Alabama who is authorized and directed to draw his warrant in favor of the person or persons, association or corporation found by the board of adjustment to be entitled to the damages in

the amount of the damages so certified, and he shall charge the same to the appropriation as directed in said findings of awards.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-759 S.J.R. 49—Senator Dial

SENATE JOINT RESOLUTION

COMMENDING EMERGENCY MEDICAL TECHNICIAN JIMMY LANGLEY OF CLEBURNE COUNTY, ALABAMA.

WHEREAS, in its desire to recognize outstanding Alabamians, the Legislature of Alabama, notes with highest commendation the life-saving actions of Medical Technician Jimmy Langley of Cleburne County, Alabama; and

WHEREAS, a medical emergency occurred when Mrs. Susan Ogle of the Five Points Community gave birth at her home to a son, the infant arriving earlier than anticipated and in insufficient time to allow Mrs. Ogle to be transported to the hospital; the birth also occurred in the wake of a tornado which had left the community without power; and

WHEREAS, Mr. Langley, an emergency medical technician (EMT) with the Hollis Volunteer Fire Department, arrived at Mrs. Ogle's home only to find the newly born infant in distress, the umbilical cord wrapped around his neck, and dying from strangulation; and

WHEREAS, in quick response, however, to this crisis situation, EMT Jimmy Langley, aided by the light of a flashlight, disentangled the cord and then induced breathing by means of artificial resuscitation; both mother and child were then hospitalized and later released, the child having suffered now ill effects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend volunteer Jimmy Langley of Cleburne County, Alabama, for extraordinary performance, and direct that he receive a copy of this resolution in small token of this body's deep admiration and regard.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-760 S.J.R. 51—Senator Covington

SENATE JOINT RESOLUTION

DESIGNATING DALE COUNTY HIGHWAY 60 AS THE "PAYNE-WATSON HIGHWAY."

WHEREAS, many generations of the Payne and Watson families have resided on Dale County Highway 60; and

WHEREAS, members of the Payne and Watson families have been and are prominent Dale County citizens who have made substantial contributions to their churches and to the community as a whole; and

WHEREAS, it is both appropriate and desirable that these two pioneer Dale County families be recognized for their contributions and accomplishments on behalf of all citizens of Dale County, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Dale County Highway 60, the "Payne-Watson Highway."

BE IT FURTHER RESOLVED, That by copy of this resolution, the Dale County Commission shall be notified of this official highway designation and shall further be authorized to erect and maintain, at the beginning and end of Highway 60, appropriate signs and markers distinguishing same as the "Payne-Watson Highway."

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-761 S.J.R. 56—Senator Covington

SENATE JOINT RESOLUTION

DESIGNATING DALE COUNTY HIGHWAY 40 AS THE "GASTON BLANKENSHIP ROAD."

WHEREAS, the late Mr. Gaston Blankenship served for four years as Dale County Commissioner, District 4; and

WHEREAS, during his illustrious tenure, Commissioner Blankenship was instrumental in significantly upgrading the community and farm-to-market roads; and

WHEREAS, Mr. Blankenship, who was a lifelong successful farmer, also was prominent in other areas of service to the Bertha community and all of Dale County; and

WHEREAS, it is both appropriate and desirable that such a distinguished community leader and public servant be recognized for his contributions and accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Dale County Highway 40, the "Gaston Blankenship Road."

BE IT FURTHER RESOLVED, That by copy of this resolution, the Dale County Commission shall be notified of this official highway designation and shall further be authorized to erect and maintain appropriate signs and markers distinguishing said highway as the "Gaston Blankenship Road."

RESOLVED FURTHER, That Mrs. Ludie Blankenship receive a copy of this resolution that she may be advised of this honary designation of the Legislature in honor and memory of her late husband.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-762 S. 110—Senator Denton

AN ACT

Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1985, there is hereby appropriated to the Department of Agriculture and

Industries out of any monies in the state treasury not otherwise appropriated the sum of Two Hundred Thousand Dollars ($200,000), or so much thereof as may be necessary for the fiscal year, which said sum shall be used and expended by said department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the Commissioner of Agriculture and Industries or the State Veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease, African swine fever and other diseases of swine. The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 2-15-160 through 2-15-168 of the Code of Alabama 1975.

Section 2. The appropriation herein made shall be conditioned upon the condition of the general fund and with the approval of the Governor.

Section 3. This act shall become effective on October 1, 1984.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-763 S. 36—Senator Covington

AN ACT

To allow persons seventeen years of age or older to donate blood without parental permission.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who is seventeen (17) years of age or older shall be eligible to donate blood without the necessity of obtaining parental permission or authorization.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-764 S.J.R. 21—Senators Parsons and Smith (J)

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE SUPPORT FOR THE POSSIBLE PURCHASE OF THE REVERE COPPER AND BRASS PLANT AT SCOTTSBORO, ALABAMA.

WHEREAS, Revere Copper and Brass, Incorporated, currently operates two facilities at Scottsboro, one a sheet plant which employs some 400 workers represented by United Steel Workers of America; and

WHEREAS, a viable company has expressed an interest in purchasing both of Revere Copper and Brass's facility with the anticipation of increasing the present reduced production capacity of Revere Copper and Brass; and

WHEREAS, the prospective purchaser, however, requires proper consideration from the Tennessee Valley Authority on a power contract that would allow it to produce aluminum at a competitive price; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are herein on record as favoring proper consideration from TVA on a power contract that would allow the potential buyer of Revere Copper and Brass, Inc., to produce aluminum at a competitive price.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the officials of both TVA and U. S. Steel.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-765 S.J.R. 28—Senator Covington

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. GENE GREEN ON THE OCCASION OF THEIR 30TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with great pleasure the forthcoming 30th Wedding Anniversary, on June 25, 1984, of Mr. and Mrs. Gene Green of Troy, Alabama; and

WHEREAS, on June 25, 1954, young Gene Green at the age of 19 and his young 17-year-old bride, Miss Lou Emma Knight, were joined in holy matrimony in Hepzibah Baptist Church, Troy, Alabama; and

WHEREAS, they have since lived their lives as one, devoted

each to the other, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Green are the parents of two daughters, Susan Green and Gail G. Hamrick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Gene Green of Troy, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Green that they may be aware of our congratulations and of our warm best wishes on this momentous occasion.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-766 S.J.R. 41—Senators Bishop, Aldridge, Cooley, Parsons and Holmes

SENATE JOINT RESOLUTION

COMMENDING KEN MOSELEY AND TODD STETTLER, MONTGOMERY, ALABAMA, FOR AIDING LAW ENFORCEMENT, AND URGING RECOGNITION.

WHEREAS, the Alabama Legislature notes that Mr. Ken Moseley and Mr. Todd Stettler, Montgomery, Alabama, while on duty at Montgomery Aviation, demonstrated outstanding citizenship, bravery and keen observation in assisting law enforcement in seizing of one of the state's largest quantities of illegal drugs totaling some $230,000,000.00; and confiscating the airplane transporting the contraband, and

WHEREAS, Mr. Ken Moseley and Mr. Todd Stettler in aiding law enforcement voluntarily risked their safety and their lives to possibly save the lives of many of our young Alabamians from the ravages of drugs; and

WHEREAS, the heroic action of Mr. Moseley and Mr. Stettler resulted in removing drug traffickers and hardened drug dealers from the streets and the Legislature urges all Alabamians to follow the outstanding citizenship of these gentlemen and feels such public

service should be highly commended and recognized by the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly praise and commend Mr. Ken Moseley and Mr. Todd Stettler for their outstanding citizenship and bravery in assisting law enforcement for the good of all Alabamians.

RESOLVED FURTHER, That the Alabama Legislature wishes to encourage all of our citizens to assist law enforcement by reporting crime and responding to their directions.

RESOLVED FURTHER, That the Alabama Legislature urges the Governor to recognize Mr. Ken Moseley and Mr. Todd Stettler for their outstanding citizenship by awarding, from his discretionary funds, each in the sum of $5,000.00.

RESOLVED FURTHER, That we do direct that copies of this resolution be sent to both Mr. Ken Moseley and Mr. Todd Stettler, so that they may know of our high commendation and esteem, and to the Governor.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-767 S.J.R. 42—Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING STATE REPRESENTATIVE LUCIUS BLACK FOR OUTSTANDING SERVICE TO THE SUMTER COUNTY SCHOOL SYSTEM.

WHEREAS, State Representative Lucius Black of York, Alabama, is a prominent public school educator and member of the faculty at Livingston High School; and

WHEREAS, during his 14-year tenure at Livingston, Representative Black has taught band, choral music and mathematics; and

WHEREAS, Mr. Black, who represents House District 67, has indeed distinguished himself during his 35 years as an employee of the Sumter County School System, rendering outstanding service to the youth and all citizens of Sumter County, Alabama; and

WHEREAS, regrettably, Representative Black has announced his retirement from the school system effective June 1, 1984; his contributions, however, have been of lasting effect and of long-reaching positive influence; and

WHEREAS, Representative Black was educated in the public schools of Monroe County and holds the B.S. degree from Alabama State University and the Master's degree from Columbia University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend State Representative Lucius Black for outstanding service to the Sumter County School System and as a distinguished Alabama educator and public servant.

BE IT FURTHER RESOLVED, That in token of our deep admiration and esteem, a copy of this resolution shall be presented to our colleague and friend, Representative Lucius Black.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-768

S.J.R. 47—Senators Foshee, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. J. FOY COVINGTON ON THEIR FORTHCOMING 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the forthcoming Golden Wedding Anniversary, July 23, 1984, of Mr. and Mrs J. Foy Covington of Dale County, Alabama; and

WHEREAS, J. Foy Covington and his lovely bride, Miss Jewel Barefield, were united in marriage on July 23, 1934, and for the past fifty years have lived their lives as one, devoted each to the other,

and have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Covington are both lifelong residents of the Bertha Community, Dale County, and are now retired; Mr. Covington, as a farmer and timberman, and Mrs. Covington from the teaching profession; and

WHEREAS, the parents of two children, J. Foy Covington, Junior, and Judy G. Richardson, Mr. and Mrs. Covington also have three grandsons and one granddaughter; and

WHEREAS, we further note with pleasure that the Golden Wedding Anniversary of Mr. and Mrs. J. Foy Covington will be celebrated on July 15, 1984, on which date they will be honored at a reception to be held in their home and hosted by their children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary Dale County couple, Mr. and Mrs. J. Foy Covington, and extend to them sincere best wishes for many more happy years together.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Covington receive a copy of this resolution in expression of our warmest personal regard.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-769 S. 4—Senator Teague

AN ACT

To amend Sections 36-28-1, 36-28-3, 36-28-4, 36-28-5, 36-28-6, 36-28-7, 36-28-8, 36-28-9 and 36-28-10 of the Code of Alabama 1975, which provide for a state social security agency, so as to provide further for a state office of social security under the state comptroller and to provide for certain penalties to be assessed on certain delinquent social security accounts processed by such state office.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-28-1, 36-28-3, 36-28-4, 36-28-5, 36-28-6, 36-28-7, 36-28-8, 36-28-9 and 36-28-10 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 36-28-1.

"When used in this chapter, the following terms shall have the

following meanings, respectively, unless the context clearly indicates otherwise.

"(1) WAGES. All remuneration for employment, as defined in subdivision (2) of this section, including the cash value of all remuneration paid in any medium other than cash; except, that such term shall not include that part of such remuneration which, even if it were for 'employment' within the meaning of the federal Insurance Contributions Act, would not constitute 'wages' within the meaning of that act.

"(2) EMPLOYMENT. Any service performed by an employee in the employ of the state, or any political subdivision thereof, or any instrumentality of either for such employer, except:

"a. Service which, in the absence of an agreement entered into under this chapter, would constitute 'employment' as defined in section 210 of the Social Security Act; or

"b. Service which under applicable federal law may not be included in an agreement between the state and the federal agency entered into under this chapter.

"(3) EMPLOYEE. An officer of a state, political subdivision or instrumentality whose compensation is paid from funds of the state, political subdivision, instrumentality or employing official. Such term includes all elected or appointed (salaried and fee basis) officers, deputies, assistants and clerks, substitute teachers or any other employees.

"(4) FEDERAL AGENCY. Such federal officer, department or agency as is charged on behalf of the federal government by or under the applicable federal law with the particular federal function referred to in this chapter in connection with such term.

"(5) POLITICAL SUBDIVISION. Any county, municipal corporation, school district or other equivalent governmental entity.

"(6) INSTRUMENTALITY. Such term, when referring to an instrumentality of the state or political subdivision, includes only a legal entity which is separate and distinct from the state or such subdivision and whose employees are not by virtue of their relation to such entity employees of the state or such subdivision.

"(7) APPLICABLE FEDERAL LAW. The provisions of the federal law, Public Law 734, 81st Congress, as such act may from time to time be amended, including federal regulations and requirements issued pursuant thereto, or any other federal laws which provide for extending the benefits of Title II of the Social Security Act to employees of states, political subdivisions and their instrumentalities.

"(8) SOCIAL SECURITY ACT. The act of congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the 'Social Security Act' as such act has been and may from time to time be amended.

"(9) FEDERAL INSURANCE CONTRIBUTIONS ACT. Subchapter A of chapter 9 of the federal Internal Revenue Code as such code has been and may from time to time be amended.

"§ 36-28-3.

" There shall be a state office for social security under the supervisions of the state comptroller. All employees of such office shall be subject to the provisions of the state merit system.

"§ 36-28-4.

" (a) Federal-state agreement. The state agency comptroller, with the approval of the governor, is hereby authorized to enter on behalf of the state into an agreement with the federal agency, consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision thereof or of any instrumentality of any one or more of the foregoing with respect to services specified in such agreement, which constitute employment as defined in section 36-28-1.

"Such agreement may contain such provisions relating to coverage benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state comptroller and federal agency shall agree upon, but, except as may be otherwise required by or under applicable federal law as to the services to be covered, such agreement shall provide in effect that:

"(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

"(2) The state will pay to the federal agency, at such time or times as may be prescribed by the applicable federal law or by regulation promulgated thereunder, contributions with respect to wages, as defined in section 36-28-1, equal to the sum of the taxes which would be imposed by sections 3101 and 3111 of Title 26, U.S.C.A., if the services covered by the agreement constituted employment within the meaning of that act;

"(3) Such agreement shall be effective with respect to services performed after a date specified therein but shall in no event be

effective with respect to any service performed prior to January 1, 1951;

"(4) All services which constitute employment as defined in section 36-28-1 and are performed in the employ of the state by employees of the state shall be covered by the agreement; and

"(5) All services which constitute employment as defined in section 36-28-1 are performed in the employ of a political subdivision or in the employ of an instrumentality of either the state or a political subdivision and are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state comptroller under section 36-28-5 shall be covered by the agreement.

"(b) Powers of instrumentalities created jointly with other states. Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, to:

"(1) Enter into an agreement with the secretary of health and human services whereby the benefits of the federal old-age and survivors' insurance system shall be extended to employees of such instrumentality;

"(2) Require its employees to pay and, for that purpose, to deduct from their wages contributions equal to the amounts which they would be required to pay under subsection (a) of section 36-28-7 if they were covered by an agreement made pursuant to subsection (a) of this section; and

"(3) Make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreement.

"The agreement authorized by this subsection shall, to the extent practicable, be consistent with the terms and provisions of subsection (a) of this section and other provisions of this chapter.

"§ 36-28-5.

"(a) Each political subdivision of the state and each instrumentality of the state or of a political subdivision is hereby authorized to submit for approval by the state comptroller a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable federal law, to employees of any such political subdivision or instrumentality. Each such plan or any amendment thereof shall be approved by the state comptroller if it finds that such plan or such plan as amended is in conformity with such requirements as are provided in regulations of the state comptroller; except, that no such plan shall be approved unless:

"(1) It is in conformity with the requirements of the applicable federal law and with the agreement entered into under section 36-28-4;

"(2) It provides that all services which constitute employment, as defined in section 36-28-1, and are performed in the employ of the political subdivision or instrumentality by any employees thereof, shall be covered by the plan;

"(3) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (b) and by subsection (c) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes from wages, fees and other compensation for services performed;

"(4) It provides for such methods of administration of the plan by the political subdivision or instrumentality as are found by the state comptroller to be necessary for the proper and efficient administration of the plan;

"(5) It provides that the political subdivision or instrumentality will make such reports, in such form and containing such information, as the state comptroller may from time to time require, and will comply with such provisions as the state comptroller or the federal agency may from time to time find necessary to assure the correctness and verifications of such reports.

"(b) (1) Each political subdivision or instrumentality as to which a plan has been approved under subsection (a) of this section shall pay into the contribution fund, with respect to wages, as defined in section 36-28-1, at such time or times as the state comptroller may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state comptroller under section 36-28-4.

"(2) Every political subdivision or instrumentality required to make payments under subdivision (1) of this subsection is authorized, in consideration of the employee's retention in or entry upon employment after November 1, 1950, to impose upon its employees as to services which are covered by an approved plan, a contribution with respect to wages, as defined in section 36-28-1, not exceeding the amount of tax which would be imposed by section 3101 of Title 26, U.S.C.A., if such services constituted employment within the meaning of that act, and to deduct the amount of such contribution from the wages as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality under subdivision (1) of

this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

"(c) Delinqluent accounts due under subdivision (1) of subsection (b) of this section shall be assessed a penalty of ten dollars ($10) and shall pay late interest abased on the ninety-one (91) day U. S. Treasury bill rate in effect on the date of delinquency and continuing through date of payment.

"Section 36-28-6.

"(a) Upon request of the state of Alabama or any political subdivision or instrumentality thereof, the state comptroller for social security is hereby authorized to obtain social security coverage of services rendered by student employees whose positions fall within any coverage group to which social security has been heretofore extended prior to September 15, 1961. The coverage of such additional student services shall be optional with respect to the state of Alabama or any political subdivision or instrumentality thereof and may be made retroactive to the extent permitted under applicable federal law.

"(b) After September 15, 1961, the state comptroller for social security shall include the services of student employees when social security coverage is extended to any new or additional coverage group, unless the request of such additional coverage group for extension of social security coverage expressly excludes services of student employees.

"Section 36-28-7.

"(a) Every employee of the state whose services are covered by an agreement entered into under section 36-28-4 shall be required to pay for the period of such coverage into the contribution fund established by section 36-28-8 contributions with respect to wages, as defined in section 36-28-1, equal to the amount of tax which would be imposed by section 3101 of Title 26, U.S.C.A., if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employee's retention in the service or his entry upon such service after November 1, 1950.

"(b) The contribution imposed by this section shall be collected by the state by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution. The persons or department preparing the payrolls through which employees covered by the agreement are paid shall make such reports to the state comptroller as are deemed necessary upon forms supplied by the comptroller.

"(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments or refund if adjustment is impracticable shall be made, without interest, in such manner and at such times as the state comptroller shall prescribe.

"§ 36-28-8.

(a) There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund:

"(1) All contributions, interest and penalties collected under sections 36-28-5 and 36-28-7;

"(2) All moneys appropriated thereto under this chapter;

"(3) Any property or securities and earnings thereof acquired through the use of moneys belonging to the fund;

"(4) Interest earned upon any moneys in the fund; and

"(5) All sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source.

"All moneys in the fund shall be mingled and undivided. Subject to the provisions of this chapter, the state comptroller is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof consistent with the provisions of this chapter.

"(b) The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such fund shall be made for and solely for:

"(1) Payment of amounts required to be paid to the federal agency pursuant to an agreement entered into under section 36-28-4;

"(2) Payment of refunds provided for in subsection (c) of section 36-28-7; and

"(3) Refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

"(4) To transfer such funds, not otherwise required in subdivisions (1), (2) and (3) of this subsection, into the social security special allocation account, for administration. Such sum is hereby appropriated for this purpose.

"(c) From the contribution fund the custodian of the fund

shall pay to the federal agency such amounts and at such time or times as may be directed by the state comptroller in accordance with any agreement entered into under section 36-28-4 and applicable federal law.

"(d) The treasurer of the state shall be ex officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this chapter and the directions of the state and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state comptroller may prescribe pursuant thereto.

"(e) (1) There is appropriated annually to the contribution fund, in addition to the contributions collected and paid into the contribution fund under sections 36-28-5 and 36-28-7, to be available for the purposes of subsections (b) and (c) of this section, until expended, such additional sums as are found to be necessary in order to make the payments to the federal agency which the state is obligated to make pursuant to an agreement entered into under section 36-28-4; provided, that the sums necessary to match social security contributions by employees covered under the teachers' retirement system are hereby appropriated annually from the Alabama special educational trust fund; provided further, that the sums necessary to match social security contributions by state employees other than those covered by the teachers' retirement system are hereby appropriated annually from the fund from which the salaries of such employees of each employer are paid.

"In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the sums necessary to match social security contributions by employees of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such department.

"(2) The state comptroller shall submit to each regular session of the state legislature, at least 90 days in advance of the beginning of such session, an estimate of the amounts appropriated to the contribution fund by subdivision (1) of this subsection for the next appropriation period.

"(f) Where social security contributions are made from salaries paid from federal funds, the employer shall pay from such federal funds to the state comptroller for social security the amount calculated as a percentage of the salaries of those teachers to be contributed by the state as employer in accordance with sections 36-28-5 and 36-28-7. Such amounts shall be paid by separate check payable to the state comptroller for social security representing the em-

ployer tax at the same time as employee social security contributions are paid to the state comptroller; provided, that the provisions of this subsection shall not apply to funds received under the provisions of the Hatch Act of 1887, as amended in 1955, and the McIntyre-Stennis Act (Cooperative Forestry Research Act of 1962) of the Congress of the United States for the support of agriculturally related research.

"§ 36-28-9.

"The state comptroller shall make and publish such rules and regulations, not inconsistent with the provisions of this chapter, as he finds necessary or appropriate to the efficient administration of the functions with which he is charged under this chapter."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-770 S.J.R. 80—Senators deGraffenried, Ellis, Teague, Corbett, Bedsole, Little, Cooley, Menton, Aldridge, Amari, Bailey, Barron, Bedford, Bennett, Bishop, Cabaniss, Covington, Denton, Dial, Dixon, Drinkard, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), and Strong

SENATE JOINT RESOLUTION

ESTABLISHING A LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY PROPOSED CO-EMPLOYEES' LAWSUITS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint interim study committee on proposed co-employees' lawsuits which shall be a committee to make a study of any and all aspects of workmen's compensation laws, co-employees' lawsuits and industrial

expansion, economic growth and development, and jobs in the state, as these relate to co-employees' lawsuits, hold hearings and inquire into ways and means of improving conditions in the aforementioned areas. The committee shall make a report to the legislature on the first legislative day of the next session of the legislature, special or regular.

BE IT FURTHER RESOLVED, That the committee shall be composed of five members of the Senate, appointed by the presiding officer and five members of the House of Representatives, appointed by the Speaker. The committee shall set its own rules of procedure and elect a chairman and co-chairman from among its members. Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed $7,500.00.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-771 S.J.R. 83—Senator Hand

SENATE JOINT RESOLUTION

COMMENDING THE REVEREND JAMES A. GRIFFIN, JUNIOR, PASTOR OF GULF SHORES UNITED METHODIST CHURCH.

WHEREAS, the return, this year, of the Reverend James A. Griffin, Junior, to Gulf Shores United Methodist Church marks his 13th year of service to the South Baldwin area of our State; and

WHEREAS, a native of Hamden Ridge, Alabama, the Reverend Griffin was educated at the University of Alabama, Tuscaloosa, and at Emory University in Atlanta, Georgia; he is a United States Army Air Corps veteran who as a captain flew 25 combat missions in the Pacific Theatre during World War II; and

WHEREAS, the Reverend Griffin has served in the ministry since 1951, including his thirteen years as pastor of the Gulf Shores Church; and

WHEREAS, the Reverend Griffin is the recipient of the Gover-

nor's Award for Service, bestowed for his tireless efforts during the clean-up operations, in 1979-1980, following Hurricane Frederic; and

WHEREAS, in a generous and compassionate gesture, the Reverend Griffin opened the doors of his church, and volunteered its facilities for use as a command post for coordination of the clean-up operations; and

WHEREAS, it further was through his leadership, in strong faith, that the citizens of South Baldwin County were able to recover, not only from their personal losses, but more importantly were helped to dispel their feelings of despair and helplessness; and

WHEREAS, the Reverend Griffin also has been actively involved in service through membership on the executive board of the Gulf Coast Area Chamber of Commerce, as a member of the Optimist and Rotary Clubs, and as a former member of the United Methodist Children's Home in Selma; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That we hereby most highly commend the Reverend James A. Griffin, Junior, of Gulf Shores First United Methodist Church and direct that he receive a copy of this resolution in small token of our warmest regard.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-772 S.J.R. 86—Senators Little and Aldridge

SENATE JOINT RESOLUTION

COMMEMORATING JUNE 6, 1944, AND THE AMERICAN INVASION AT NORMANDY.

WHEREAS, the Legislature of Alabama stands in remembrance and pride as we commemorate June 6, 1944, the D-Day invasion by American troops of the Normandy shores; and

WHEREAS, even as this Legislature and all Americans speak in awesome memory, the significance of that historic occasion is most solemnly memorialized by the white crosses of Normandy—simple monuments which will forever stand in mute but eloquent tribute to the courage of young Americans and our allies, whose strength was in their commitment to the cause of freedom; and

WHEREAS, June 6, 1944, is indeed etched deeply in our minds

and hearts as an occasion of the past but, for today and all time, our nation's greatest triumph for democracy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest tribute we today honor our fallen heroes, shed tears for their loss but, above all, give thanks to God for their lives.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for preservation in the Alabama War Memorial Building.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-773 S.J.R. 68—Senators deGraffenried, Little and Bishop

SENATE JOINT RESOLUTION

COMMENDING MRS. SARAH H. RODGERS, 1984 TUSCALOOSA COUNTY CITIZEN OF THE YEAR.

WHEREAS, in sentiment of highest commendation, the Alabama Legislature notes the selection of Mrs. Sarah H. Rodgers of Northport, Alabama, as Tuscaloosa County Citizen of the Year, a prestigious honor bestowed May 29, 1984, by the Tuscaloosa Civitan Club during the organization's annual Citizenship Banquet; and

WHEREAS, Mrs. Rodgers is indeed a distinguished Tuscaloosa County citizen, and one whose life of selfless service is documented through many years of volunteer community involvement; and

WHEREAS, Mrs. Rodgers is a former University of Alabama mathematics instructor; she retired in 1971 and after 35 years on the faculty, during which time she served as Mortar Board advisor, president of Phi Beta Kappa, and was elected to the Commerce School honorary, Beta Gamma Sigma; and

WHEREAS, though Mrs. Rodgers' activities are varied, she has been most particularly involved in aid to the handicapped through such vehicles as service on the boards of the West Alabama Rehabilitation Center, the Alabama Society for Crippled Children and Adults and the society's camp for handicapped citizens; she serves as well on both the governor's and the president's committees for employment of the handicapped; and

WHEREAS, Mrs. Rodgers' volunteerism also includes other areas such as the Boys Clubs, Community Council and Voluntary Ac-

tion Center, and activities involving health services, senior citizens and community beautification among others; and

WHEREAS, she is a member and past president of the United Daughters of the Confederacy, Daughters of the American Revolution, University Women's Club and the Present Day Study Club; she serves on the board of Friends of the Library and is a member, past officer and Sunday School teacher at Northport First United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sincere commendation and regard, we hereby most highly praise Mrs. Sarah H. Rodgers of Northport, Alabama, as Tuscaloosa County's most distinguished Citizen of the Year, 1984; we further direct that Mrs. Rodgers receive a copy of this resolution, expressing the Legislature's deep admiration and esteem.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-774 S.J.R. 24—Senators deGraffenried and Bishop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE LECIL D. GRAY OF TUSCALOOSA, ALABAMA.

WHEREAS, the Legislature of Alabama, in deep sadness and regret, records the death of Judge Lecil D. Gray of Tuscaloosa, Alabama, on May 22, 1984, at the age of 70 years; and

WHEREAS, though a native of Jasper and former Walker County Probate Judge for some 12 years, Judge Gray, at the time of his death, had resided in Tuscaloosa for 25 years; and

WHEREAS, Judge Gray was an organizer, in 1959, and former vice president of Cotton States Life Insurance Company, leaving in the 1960's to organize a second company, New Southland National Life, where he remained until September 1983, retiring as Chairman of the Board; and

WHEREAS, in addition to significant achievement as one of Alabama's most successful insurance executives, Judge Gray also was a prominent community and civic leader whose selfless involvement encompassed numerous areas of both local and statewide concern; and

WHEREAS, Judge Gray was a member of the Alabama Tuberculosis Association Board, and also served for many years on the State Mental Health Board; in the latter capacity, he played a central role in the upgrading of conditions within the mental health system, serving as head of the court established Bryce Hospital rights committee and later was appointed to the post of federal court monitor of the state system; and

WHEREAS, Judge Gray served in the United States Army Air Corps during World War II, and was an alumnus of the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge Lecil D. Gray of Tuscaloosa, Alabama, and extend our most sincere and heartfelt sympathy to his wife, Mrs. Alice Smith Gray, and to his daughter and son, Mrs. Elizabeth Gray Owens and Lecil D. Gray, III, whose sorrow we deeply share and for whom copies of this resolution shall be provided.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-775 S.J.R. 58—Senator Denton

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE ON COUNTY GOVERNMENT.

WHEREAS, county governments provide essential services to all of Alabama's 3.9 million citizens whether they reside within the incorporated or unincorporated areas of the state; and

WHEREAS, the growth of the demands for new and expanded county services by both urban and rural citizens has reached heights never before experienced in this state; and

WHEREAS, it is essential that county governments have the necessary constitutional and statutory authority to provide the needed services and at the lowest possible cost to the taxpayers of Alabama; and

WHEREAS, the Alabama Legislature has never had an Interim Committee to study county government in Alabama and this Legislature recognizes the need to create an Interim Committee on County Government; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE,

BOTH HOUSES CONCURRING, That in order to suggest to State Legislators sound, workable and financially feasible methods of administration for Alabama's county governments, there is hereby created a Joint Interim Committee on County Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature—four (4) from the House, to be appointed by the Speaker of the House, and four (4) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to completely analyze the present status of county government in Alabama and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the county governments of this state to better meet and supply the needs and demands of the citizens of this state.

In reviewing the status and laws of county governments in Alabama, the Committee shall consider but shall not limit its consideration to the following items:

(1) The functions and responsibilities of county governments in providing services and facilities to the residents of the state, and whether or not additional legislation is needed or desirable to enable counties to provide reasonable and adequate standards of services and facilities;

(2) The legal framework of county government in Alabama, the power and authority presently enjoyed by county governments heretofore granted by the Legislature, and the restrictions placed on county governments by the Legislature and whether or not there is need for legislation to broaden the powers and authority of said county governments so as to give them more freedom in fulfilling their responsibilities to the citizens of the state;

(3) The financial resources of county government in Alabama and what legislation, if any, is needed to provide more adequate financial resources for support of county governments;

(4) The impact of legislative mandates upon the financial resources of counties;

(5) The impact of industrialization and rapid suburban development on the ability of county governments to provide reasonable and adequate standards of services and facilities to Alabama citizens and what legislation is necessary or desirable to enable county governments to provide a better standard of services and facilities in a period of rapid change in areas such as industrial development, residential subdivision development, solid waste disposal, provision of utility services, personnel administration, personnel training and human resource development, law enforcement, fire protection,

highway maintenance and construction, recreation and the coordination of state and federal assistance programs.

BE IT FURTHER RESOLVED, that the Committee shall not consume more than forty-five (45) working days in performing its functions and that its work be finished in time for the preparation of a preliminary report to be submitted during the first week of the 1985 Regular Session of the Legislature of Alabama and a final report to be submitted during the 1985 Regular Session of the Legislature of Alabama and that as far as practicable that all meetings of the Committee be held in the State Capitol and be open to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered and authorized to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred Dollars ($7,500.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid other members for each day that they sit with this Committee or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-776 S.J.R. 71—Senators Langford and Teague

SENATE JOINT RESOLUTION

COMMENDING MR. AUSTIN BATTLE ON BEING THE WINNER OF THE ELMORE COUNTY OLDER AMERICAN AWARD AT THE AGE OF 104.

WHEREAS, Mr. Austin Battle of Wetumpka, whose date of birth is March 1, 1880, was 104 on March 1, 1984; and

WHEREAS, he is the winner of the Elmore County Older American Award given on May 17, 1984; and

WHEREAS, his wife is Lucille Battle and they are the parents of two sons and two daughters; and

WHEREAS, Mr. Battle's hobbies include walking and talking to others; and

WHEREAS, he advises everyone to: "Try to treat others as you would like to be treated" and "It's not what you do, but how you do"; and

WHEREAS, he contributes his long lifespan to the fact that he has done much hard work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would like to congratulate and pay tribute to this great man of Alabama on winning the Elmore County Older American Award, and extend him our wishes for his good health and happiness in the years to come.

BE IT FURTHER RESOLVED, That in small token of our deep admiration, a copy of this resolution be presented to Mr. Austin Battle, that he may know of our high esteem and regard.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-777 S.J.R. 72—Senators Bailey and Barron

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE STATE BOARD OF EDUCATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the State Board of Education. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

The committee shall study all facets of the State Board of Education including but not limited to the structure, duties and functions of the board and appropriate qualifications for board members.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the second legislative day of the 1985 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed $7,500.00. The committee shall have subpoena power.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-778 S.J.R. 77—Senators Barron and Mitchem

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE STATE PARKS.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the Alabama state parks. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The Committee shall study all facets of our state park system including but not limited to the maintenance of existing facilities.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the second legislative day of the 1985 Regular Session. Each member of the committee shall be entitled to his regular legis-

lative compensation, and his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed $7,500.00. The committee shall have subpoena power.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-779 S.J.R. 79—Senator Denton

SENATE JOINT RESOLUTION

RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS OF 1984.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Special Session and any other Special Session in 1984, be bound separate from the Regular Session of 1984.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-780 S.J.R. 88—Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B),

Smith (J), Strong and Teague

SENATE JOINT RESOLUTION

COMMEMORATING JUNE 6, 1944, AND THE AMERICAN INVASION AT NORMANDY.

WHEREAS, the Legislature of Alabama stands in remembrance and pride as we commemorate June 6, 1944, the D-Day invasion by American troops of the Normandy shores; and

WHEREAS, even as this Legislature and all Americans speak in awesome memory, the significance of that historic occasion is most solemnly memorialized by the white crosses of Normandy—simple monuments which will forever stand in mute but eloquent tribute to the courage of young Americans and our allies, whose strength was in their commitment to the cause of freedom; and

WHEREAS, June 6, 1944, is indeed etched deeply in our minds and hearts as an occasion of the past but, for today and all time, our nation's greatest triumph for democracy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest tribute we today honor our fallen heroes, shed tears for their loss but, above all, give thanks to God for their lives.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for preservation in the Alabama War Memorial Building.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-781 S. 19—Senator Amari

AN ACT

To amend Section 36-27-23, of the Code of Alabama 1975, relating to the general administration and proper operation of the retirement system of Alabama, so as to increase the number of members of the board of control of such system, and to provide for the election, qualifications and terms of office of the added member.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-27-23 of the Code of Alabama 1975, is hereby amended to read as follows:

§ 36-27-23.

"(a) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in a board of trustees which shall be known as the board of control.

"(b) The board shall consist of ten trustees as follows:

"(1) The governor, ex officio, who shall be chairman.

"(2) The state treasurer, ex officio.

"(3) The state personnel director, ex officio.

"(4) The director of finance, ex officio.

"(5) Three members of the retirement system, to be appointed by the governor, no two of whom shall be from the same department of the state government nor from any department of which an ex officio trustee is the head. The terms of office of the three members appointed by the governor shall begin immediately after they have qualified and taken the oath of office.

"(6) Two members of the state employees' retirement system who shall be elected by a majority vote of the participating full-time state employees who are members of the said system. For their original terms, one shall serve for a two-year term and one shall serve for a three-year term. Thereafter, their successors each shall serve for a four year term.

"a. During the month of July 1980, employees desiring to serve shall file with the state comptroller notice of their intent to run for the position. The comptroller shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period of August 1980. Each state payroll clerk within one week shall collect the executed ballots and return them to the comptrollers who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state, who shall preserve the ballots and the printout for three months.

"b. At the expiration of terms of office of the respective original trustees elected under this subdivision (6), and every four years thereafter, their successors shall be elected in the same manner as provided by paragraph a. of this subdivision.

"(7) One member from the ranks of retired state employees and one member from the ranks of retired employees of a city, a county, or a public agency each of whom is an active beneficiary of the system shall be elected by a majority vote of the participating retired beneficiaries of the said system. The retired state employee member shall serve for a four-year term beginning October 1, 1984,

and the member who is a retired employee of a city, a county or a public agency shall serve for a three-year term, beginning October 1, 1984 provided after the expiration date of the initial terms provided in this subdivision each term shall be for a period of three years.

"The retired members shall be elected in a statewide ballot conducted by the secretary-treasurer under rules promulgated by the board of control. The board of directors of the Alabama retired state employees association shall submit no more than two nominations for each retired member position. The board of control shall determine the procedure for selecting additional candidates. Such ballots shall be conducted prior to October 1, 1984 and each applicable year thereafter in order that the trustees can take office by October 1, next following such election.

"(c) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that of the trustees elected under subdivision (7) of subsection (b). In that event the vacancy for the unexpired term shall be filled by an appointment by the board of control of the employees' retirement system from a list of three retired employees furnished him by the board of directors of the Alabama retired state employees' association.

"(d) The trustees shall serve without compensation for their services as trustees, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the board of control.

"(e) Each trustee shall, within 10 days after his appointment, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board of control and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and immediately filed in the office of the secretary of state.

"(f) Each trustee shall be entitled to one vote in the board of control. Four votes in favor of any decision shall be necessary for a decision by the trustees at any meeting of said board.

"(g) Subject to the limitations of this article, the board of control shall, from time to time, establish rules and regulations for the administration of the funds created by this article and for the transaction of its business.

"(h) The board of control, by a majority vote of all its members, shall elect a secretary-treasurer who shall serve as the chief executive officer of the retirement system. The board of control shall

engage such actuarial and other special services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board, with the exception of clerical employees who shall be employed under the provisions of the Merit System Act, and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board shall approve.

"(i) The board of control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

"(j) The board of control shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

"(k) The attorney general of the state shall be the legal adviser of the board of control.

"(l) The board of control shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this chapter and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of control its conclusions and recommendations upon all matters referred to it.

"(m) The board of control shall designate an actuary who shall be the technical adviser of the board of control on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

"(n) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, services and compensation experience of the members of the system as he shall recommend and the board of control shall authorize, and, on the basis of such investigation, he shall recommend for adoption by the board of control such tables and such rates as are required in subsection (o) of this section. The board of control shall adopt tables and certify rates and, as soon as practicable thereafter, the ac-

tuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this article.

"(o) In 1948, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system and, taking into account the results of such investigation and valuation, the board of control shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and certify the rates on contribution payable by the state under the provisions of this article.

"(p) On the basis of such tables as the board of control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this article."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-782 S. 1—Senator Denton

AN ACT

To amend Section 16-13-190 of the Code of Alabama of 1975 so as to validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-13-190 of the Code of Alabama of 1975 is amended to read as follows:

Each election heretofore held in any school district or in any county at large, in this state on the question of the levy of a special tax for any school or educational purpose, or for school or educational purposes generally, under the Constitution of Alabama or any amendment thereto, or upon the question of the consolidation of two or more school districts and the levy of such a tax in the consolidated school district resulting from such consolidation, at which election a majority of the ballots cast were in favor of the levy of the tax, or in favor of the proposed consolidation and the levy of the tax

in the consolidated district, as the case may be, and which election was irregular because of failure prior to the holding of the election to give notice thereof in a newspaper or by posting in the manner or for the time required by the statute under which the election was held, or because the period of time for which the tax was voted at the election exceeded the maximum period of time for which the tax was then permitted by the appropriate statute, or because of any other irregularity in any proceedings pertaining to the election, shall be and each such election is hereby ratified, and each such election shall be given effect in all respects as if all provisions of law relating to such election had been duly and legally complied with. The tax voted on at each such election shall be levied and collected for the remaining period of the time specified for the levy thereof in the said election proceedings, and each such consolidation of school districts and levy of the tax provided for in such consolidation proceedings shall be effective in accordance with the authorization purported to have been given at such election.

The provisions of this section shall not apply to any election which prior to the enactment of this section shall have been heretofore held or declared irregular by the governing body of the county in which the election was held or shall have been held invalid by the supreme court of Alabama or by final judgment of the circuit court in the county in which the election was held and from which judgment an appeal was not taken to the supreme court of Alabama within the time provided by law for the taking of such appeal, or to any election the validity of which is in issue in any pending action commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its enactment and approval by the Governor or upon its otherwise becoming law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-783 S. 5—Senator Teague

AN ACT

To amend the "Alabama Environmental Management Act," the "Alabama Air Pollution Control Act of 1971," as amended, and the "Alabama Safe Drinking Water Act of 1977," as amended, specifically amending sections 22-22A-5, 22-22A-11, and 22-23-39, Code of Alabama 1975, as amended, and repealing section 22-25-10, Code of Alabama 1975, as amended, so as to authorize the Alabama Department of Environmental Management (ADEM) to establish procedures for the collection of fees from applicants for permits, licenses, certifications or variances, such fees to be based on the reasonable anticipated cost to ADEM of the examination and processing of appli-

cations, plans, specifications or other data, investigations and public hearings for the issuance, reissuance, modification or denial of any permit, license, certification or variance; to authorize ADEM to recover from a violator the actual costs reasonably incurred by ADEM to prevent, minimize or abate any adverse effect on air, land or water resources which results or may result from a violation of a law, rule or regulation, or a permit, certification or variance issued by ADEM; to require the suppliers of drinking water to reimburse ADEM for the reasonable anticipated cost of bacteriological, sanitary and chemical analysis required to be performed under the "Alabama Safe Drinking Water Act of 1977;" and to appropriate all moneys deposited in the Alabama Department of Environmental Management Fund to the use of ADEM.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-22A-5, Code of Alabama 1975, is hereby amended to read as follows:

§ 22-22A-5

"In addition to any other powers and functions which may be conferred upon it by law, the department is authorized beginning October 1, 1982, to:

"(1) Administer appropriate portions of sections 9-7-10 through 9-7-22, which relate to permitting, regulatory and enforcement functions: administer and enforce the provisions and execute the functions of chapter 28 of this title; chapter 22 of this title; article 2 of chapter 23 of this title; chapter 30 of this title; appropriate portions of article 1 of chapter 27 of this title; sections 22-24-1 through 22-24-11; sections 22-25-1 through 22-25-15;

"(2) Acting through the environmental management commission, promulgate rules, regulations and standards in order to carry out the provisions and intent of this chapter; provided, however, that prior to the promulgation of any state primary or secondary drinking water standard governed by sections 22-23-30 through 22-23-53 or any regulations dealing with hazardous wastes governed by sections 22-30-1 through 22-30-24, the department shall receive the approval of the state board of health. The state board of health shall provide the department a response to its request for approval within 60 days of receipt of such request unless such other time is mutually agreed upon by the department and the state board of health;

"(3) Acting through the environmental management commission, adopt and promulgate rules, regulations and standards for the department, and to develop environmental policy for the state;

"(4) Consistent with the provisions in sections 22-22A-4(n), serve as the state agency responsible for administering federally approved or federally delegated environmental programs;

"(5) Serve as the state's clearinghouse for environmental data. The clearinghouse shall be developed in coordination and cooperation with other governmental data collection and record keeping sys-

tems to provide for an inventory, and for the cataloguing and dissemination of environmental information;

"(6) Report, as appropriate, to the governor and to the legislature on the programs and activities of the department and to recommend needed changes in legislation or administrative practice;

"(7) Develop, conduct and disseminate education and training programs. Pursuant to this authority, the department shall establish a citizens' advisory committee to provide input into such education and training programs;

"(8) Enter into agreements and contracts, where appropriate, with other state agencies, the federal government or private individuals, in order to accomplish the purposes of this chapter;

"(9) Establish and maintain regional or field offices in order to provide more effective and efficient service to the citizens of the state;

"(10) Issue, modify, suspend or revoke orders, citations, notices of violation, certifications or permits;

"(11) Hold hearings relating to any provision of this chapter or relating to the administration thereof;

"(12) To enforce all provisions of this chapter and to file legal actions in the name of the department, and to prosecute, defend or settle actions brought by or against the department or its agents. The attorney general shall represent the department in any and all legal actions brought by the department to enforce any provisions of this chapter; provided however, that if, within a reasonable time after the department refers the matter to him, he fails to file any such action, then the department may commence appropriate legal action. Nothing in this subdivision shall be construed so as to impair the authority of the attorney general to independently enforce the provisions of this chapter;

"(13) When necessary to achieve conformance with sections 9-7-10 through 9-7-22, acquire fee simple or less than fee simple, interest in land, water and other property under the procedures of Title 18 or other means; provided, however, that such power shall not apply to property and interest therein which is devoted to public use;

"(14) Apply for, where appropriate, accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions, purposes or provisions of this chapter or any of the functions or provisions transferred to the department by this chapter;

"(15) Employ such professional, technical, clerical and other workers including attorneys and special counsel, and such consultants as are necessary and within available funds to carry out the purposes of this chapter; and

"(16) Adopt rules and regulations relating to charging and collecting fees sufficient to cover the reasonable anticipated costs to be incurred by the department and directly related to the issuance, reissuance, modification or denial of any permit, license, certification or variance, such fees to include, but not be limited to, the reasonable anticipated cost of the examination and processing of applications, plans, specifications or any other data and any necessary public hearings and investigations; provided, however, that nothing in this subdivision shall be construed as modifying or affecting the provisions of section 22-24-5. A schedule of estimated reasonable anticipated costs shall be appended to rules and regulations with the understanding that fees may be higher or lower on a case-by-case basis;

"(17) In addition to any other remedies provided by law, recover in a civil action from any person who has violated, or threatens to violate, any provision of this chapter, or any provision of law identified in subdivision (1) of this section, or any rule or regulation promulgated thereunder, or any order, or condition of any permit, license, certification or variance issued by the department pursuant thereto, the actual costs reasonably incurred by the department to prevent, minimize or abate any adverse effect on air, land or water resources which results or may result from such violation. Such civil actions may be filed in the circuit court of the county in which the defendant resides or does business, or in which the violation or threatened violation occurs or in which the adverse effect occurs; and

"(18) Perform any other duty or take any other action necessary for the implementation and enforcement of this chapter."

Section 2. Section 22-22A-11, Code of Alabama 1975, as amended, is hereby amended to read as follows:

§ 22-22A-11

"There is hereby created a fund known as the Alabama department of environmental management fund. This fund shall consist of: (1) all appropriations; (2) all grants, gifts, bequests or donations; (3) all money derived through any source of federal aid; (4) all fees, penalties or fines; (5) all moneys from any program whose functions were transferred to the department by this chapter; and (6) all moneys from any other source whatsoever. However, the department may not solicit or accept any gift or donation from any person that has any official request or action pending before the Alabama de-

partment of environmental management. All moneys deposited in said fund are hereby appropriated to the use of the department in addition to any other appropriations heretofore or hereafter made. The fund shall be used and expended by the department in accordance with the terms of the appropriations, gift, bequest, grant, donation or transfer from which said moneys are derived and in the absence of any such terms or stipulations, shall be expended by the department in furtherance of any of the provisions of this chapter. All necessary expenses of the department shall likewise be paid out of the fund on the requisition of the director as may be deemed advisable."

Section 3. Section 22-23-39, Code of Alabama 1975, as amended, is hereby amended to read as follows:

§ 22-23-39

"The board shall cause a bacteriological, sanitary and/or chemical analysis to be made of each sample so delivered, shall record such analysis and shall furnish a copy to the supplier of water. The board is authorized to collect from the supplier a fee equal to its reasonable anticipated costs in causing such analysis to be made and providing such record.

Section 4. Section 22-25-10, Code of Alabama 1975, as amended, is hereby repealed.

Section 5. All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-784

S. 32—Senators Covington, Foshee, Corbett, and Teague

AN ACT

To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher

learning for matching American Legion Scholarships, so as to increase such appropriations.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-31-1 and 16-31-4, Code of Alabama 1975, are hereby amended to read as follows:

"Section 16-31-1. Whenever the American Legion or the American Legion Auxiliary of the state of Alabama shall donate to the state of Alabama, and actually pay in cash to the treasurer of said state, a sum of money amounting to $1,250.00, there shall be considered as established a free scholarship of the value of $400.00 per year in board and such fees or other charges as that amount would cover or include over and above board for the benefit of the student receiving the benefit of the same or appointed to such scholarship at any public institutions of higher learning, that such scholarship shall be and is hereby established for each sum of $1,250.00 so donated to the state.

"Section 16-31-4. The sum of $400.00 is hereby appropriated annually to each state institution of higher learning described in section 16-31-1 for each scholarship awarded by any such institution as provided in this chapter, which appropriation shall be paid from the Alabama special educational trust fund; provided, that no more than 100 such scholarships shall be provided under this section in any fiscal year."

Section 2. This Act shall become effective October 1, 1985.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-785 S. 34—Senator Covington

AN ACT

To amend Section 17-4-156, Code of Alabama 1975, relating to the meeting days of the boards of registrars, so as to increase Dale County's board of registrars meeting days.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-4-156, Code of Alabama 1975, is hereby amended to read as follows:

"§ 17-4-156. (a) Each board of registrars in the counties of Autauga, Bibb, Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dallas, Escambia, Geneva, Hale, Henry, Lamar, Lawrence, Limestone, Lowndes, Marengo,

Perry, Pike, Sumter, Talladega, Tallapoosa, Walker, Washington and Wilcox may meet a maximum of 120 session days each year; each board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Randolph, St. Clair and Winston may meet a maximum of 168 session days each year; each board of registrars in the counties of Dale, Franklin, Houston, Marshall, Bullock and Macon may meet a maximum of 216 session days each year; and the boards of registrars in the counties of DeKalb, Elmore, Jackson, Russell and Shelby may meet a maximum of 120 registration days each year. On any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board to receive applications, administer oaths and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this subsection. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.

"(b) In the counties of Chilton, Choctaw, Coffee, Colbert, Cullman and Monroe, the board of registrars may meet a maximum of 168 session days each year. On any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths and perform the clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this subsection. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.

"(c) The board of registrars of Etowah County may meet a maximum of 150 session days each year. On any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this subsection. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.

"(d) The counties of Baldwin, Calhoun, Jefferson, Madison, Mobile, Montgomery, Morgan and Tuscaloosa, which are now operating under the provisions of local bills, shall be exempted from the provisions of this section.

"(e) The actual number of session days shall be determined by a quorum of the board according to the needs of the county.

"(f) As many as 25 session days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.), which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both."

Section 2. This Act shall become effective on January 1, 1984.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-786 S. 35—Senator Covington

AN ACT

To provide methods and procedures to be used for boll weevil eradication in cotton; to provide definitions; to allow entering into cooperative agreements; to allow inspections of premises; to require reports; to allow the establishments of quarantines and elimination zones and to provide for treatment of cotton in elimination zones to include destruction; to allow adoption of rules and regulations and penalties for their violation; to provide for certification of a cotton growers organization and for a referendum to be conducted by said organization; to provide for assessments to be paid by growers and penalties for failure to pay assessments; to provide for the promulgation of regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings and purpose. The Legislature has found and determined and does hereby declare that the boll weevil is a public nuisance, a pest and a menace to the cotton industry. Due to the interstate nature of boll weevil infestation, it is necessary to secure the cooperation of cotton growers, and other State and Federal governments to carry out a program of boll weevil suppression or eradication. The purpose of this Act is to secure the suppression or eradication of the boll weevil and to provide for certification of a cotton grower's organization to cooperate with State and Federal agencies in the administration of cost-sharing programs for the suppression or eradication of the boll weevil. This Act should be liberally construed to achieve these above purposes.

Section 2. Definitions. As used in this Act, the following words shall have the meaning stated below, unless the context requires otherwise:

(1) Boll Weevil. Anthonomus grandis Boheman in any stage of development.

(2) Certificate. A document issued or authorized by the Commissioner indicating that a regulated article is not contaminated with boll weevils.

(3) Commissioner. The Commissioner of Agriculture and Industries or his designated representative.

(4) Cotton. Any cotton plant or cotton plant product upon which the boll weevil is dependent for completion of any portion of its life cycle.

(5) Host. Any plant or plant product upon which the boll weevil is dependent for completion of any portion of its life cycle.

(6) Infested. Actually infested with a boll weevil or so exposed to infestation that it would be reasonable to believe that an infestation exists.

(7) Permit. A document issued or authorized by the Commissioner to provide for the movement of regulated articles to restricted designations for limited handling, utilization, or processing.

(8) Person. Any individual, corporation, company, society, or association, or other business entity.

(9) Regulated Article. Any article of any character carrying or capable of carrying the boll weevil, including but not limited to, cotton plants, seed cotton, other hosts, gin trash, and mechanical cotton pickers.

(10) Board. The State Board of Agriculture and Industries.

(11) Cotton Grower. Any person who is engaged in and has an economic risk in the business of producing or causing to be produced, for market, cotton.

(12) Department. The Alabama Department of Agriculture and Industries.

Section 3. Cooperative programs authorized. The Commissioner is hereby authorized and directed to carry out programs to destroy and eliminate boll weevils in this State. The Commissioner is authorized to cooperate with any agency of the federal government, any state, any other agency in this State, or any person engaged in growing, processing, marketing, handling cotton, or any group of such persons in this State in programs to effectuate the

purposes of this Act, and may enter into written agreements to effectuate such purposes. Such agreements may provide for cost sharing, and for division of duties and responsibilities under this Act and may include other provisions generally to effectuate the purposes of this Act.

Section 4. Entry of premises; eradication activities; inspections. The Commissioner, shall have authority to enter cotton fields and other premises in order to carry out such activities, including but not limited to, treatment with pesticides, monitoring, and destruction of growing cotton and/or other host plants, as may be necessary to carry out the provisions of this Act. The Commissioner shall have authority to make inspection of any fields or premises in this State and any property located therein or thereon for the purpose of determining whether such property is infested with the boll weevil. Such inspection and other activities may be conducted at any reasonable daylight hours falling between sunrise and sunset.

Section 5. Reports. Every person growing cotton in this State shall furnish to the Commissioner on forms supplied by the Commissioner, such information as the Commissioner may require, concerning the size and location of all commercial cotton fields and of noncommercial patches of cotton grown as ornamentals or for other purposes.

Section 6. Quarantine. The Board or the Commissioner, in the Board's absence, as provided in Sections 2-25-4 and 2-25-5, Code of Alabama (1975), is empowered to promulgate regulations, quarantining this State, or any portion thereof, and governing the storage or other handling in the quarantined areas of regulated articles and the movement of regulated articles into or from such areas, when he shall determine that such action is necessary, or reasonably appears necessary, to prevent or retard the spread of the boll weevil. The Board is also authorized to promulgate regulations governing the movement of regulated articles from other states or portions thereof into this State when such state is known to be infested with the boll weevil. The promulgation of these regulations shall conform in all aspects to the Administrative Procedures Act, Section 41-22-1, et sec., Code of Alabama (1975).

Section 7. Authority to designate elimination zones; authority to prohibit planting of cotton and to require participation in eradication program. The Board is authorized to designate by regulation one or more areas of this State as "elimination zones" where boll weevil eradication programs will be undertaken. The Board is authorized to promulgate reasonable regulations regarding areas where cotton cannot be planted within an elimination zone when there is reason to believe it will jeopardize the success of the pro-

gram or present a hazard to public health or safety. The Board is authorized to issue regulations prohibiting the planting of noncommercial cotton in such elimination zones, and requiring that all growers of commercial cotton in the elimination zones participate in a program of boll weevil eradication including cost sharing as prescribed in the regulations. Notice of such prohibition and requirement shall be given by publication for one day each week for three successive weeks in a newspaper having general circulation in the affected area. The Board is authorized to set by regulation a reasonable schedule of penalty fees to be assessed when growers in designated "elimination zones" do not meet the requirements of regulations issued by the Board with respect to reporting of acreage and participation in cost sharing as prescribed by regulation. Such penalty fees shall not exceed a charge of fifty dollars ($50.00) per acre. When a grower fails to meet the requirements of regulations promulgated by the Board, the Commissioner shall have authority in elimination zones to destroy cotton not in compliance with such regulations. Costs incurred by the Commissioner may be assessed against the grower.

Section 8. Authority for destruction or treatment of cotton in elimination zones; when compensation payable. The Commissioner shall have authority to destroy, or in his discretion, to treat with pesticides volunteer or other noncommercial cotton and to establish procedures for the purchase and destruction of commercial cotton in elimination zones when the Commissioner deems such action necessary to effectuate the purposes of this Act. No payment shall be made by the Commissioner to the owner or lessee for the destruction or injury of any cotton which was planted in an elimination zone after publication of notice as provided in this Act, or was otherwise handled in violation of this Act, or the regulations adopted pursuant thereto. However, the Commissioner shall pay for losses resulting from the destruction of cotton which was planted in such zones prior to promulgation of such notice.

Section 9. Authority to promulgate regulations. (a) The Board is authorized to promulgate regulations restricting the pasturage of livestock, entry by persons, and location of honeybee colonies in any premises in an elimination zone which have been or are to be treated with pesticides or otherwise treated to cause the eradication of the boll weevil, or in any other area that may be affected by such treatments.

(b) The Board shall also have authority to adopt such other rules and regulations as it deems necessary to further effectuate the purposes of this Act. All rules and regulations issued under this Article shall be adopted and published in accordance with the Admin-

istrative Procedures Act, Section 41-22-1, et sec., Code of Alabama (1975).

Section 10. Penalties. (a) Any person who shall violate any of the provisions of this Act or the regulations promulgated hereunder, or who shall alter, forge or counterfeit, or use without authority, any certificate or permit or other document provided for in this Act or in the regulations promulgated hereunder, shall be guilty of a Class C misdemeanor.

(b) Any person who shall, except in compliance with the regulations of the Board, move any regulated article into this State from any other state which the Board found in such regulations is infested by the boll weevil, shall be guilty of a Class C misdemeanor.

Section 11. Certification by Board; requirements. (a) The Board may certify a cotton growers' organization for the purpose of entering into agreements with the State of Alabama, other states, the federal government and other parties as may be necessary to carry out the purposes of this Act.

(b) In order to be eligible for certification by the Board, the cotton growers' organization must demonstrate to the satisfaction of the Board that:

(1) it is a nonprofit organization and could qualify as a tax-exempt organization under Section 501(a) of the Internal Revenue Code of 1954 [26 USC 501(a)];

(2) membership in the organization shall be open to all cotton growers in this State;

(3) the organization shall have only one class of members with each member entitled to only one vote;

(c) the organization's board of directors shall be composed as follows:

(1) one Alabama cotton grower recommended by the Alabama Cotton Commission, to be appointed by the Commissioner with the consent of the Board;

(2) one Alabama cotton grower recommended by the Alabama Farm Bureau Federation, to be appointed by the Commissioner, with the consent of the Board;

(3) two Alabama cotton growers to be appointed by the Commissioner, with the consent of the Board; and

(4) one representative of State government from this State to be appointed by the Commissioner with the consent of the Board.

(d) All books and records of account and minutes of proceed-

ings of the organization shall be available for inspection or audit by the Commissioner at any reasonable time; and

(e) Employees or agents of the growers' organization who handle funds of the organization shall be adequately bonded in an amount to be determined by the Commissioner.

Section 12. Certification; revocation. Upon determination by the Board that the organization meets the requirements of the preceding Section, the Board shall certify the organization as the official cotton growers' organization. Such certification shall be for the purposes of this Act only, and shall not affect other organizations or associations of cotton growers established for other purposes.

The Board shall certify only one such organization; provided that the Board may revoke the certification of the organization if at any time the organization shall fail to meet the requirements of this Act.

Section 13. Referendum; assessments. (a) At the request of the certified organization, the Board shall authorize a referendum among cotton growers upon the question of whether an assessment shall be levied upon cotton growers in the State to offset, in whole or in part, the cost of boll weevil or other cotton pest suppression or eradication programs authorized by this Act or by any other law of this State.

(b) The assessment levied under this Act shall be based upon the number of acres of cotton planted. The amount of the assessment, the period of time for which it shall be levied, and the geographical area to be covered by the assessment shall be determined by the Board.

(c) All affected cotton growers shall be entitled to vote in any such referendum and the Board shall determine any questions of eligibility to vote.

(d) If at least two-thirds of those voting vote in favor of the assessment, then the assessment shall be collected by the Department from the affected cotton growers.

(e) The assessments collected by the Department under this Act shall be promptly remitted to the certified organization under such terms and conditions as the Commissioner shall deem necessary to ensure that such assessments are used in a sound program of eradication or suppression of the boll weevil or other cotton pests.

(f) The certified organization shall provide to the Department an annual audit of its accounts performed by a certified public accountant.

(g) The assessments collected by the Department under this Act shall not be "State" funds.

Section 14. Conduct of Referendum. The arrangements for and management of any referendum held under this Act shall be under the direction of the certified organization. The organization shall bear all expenses incurred in conducting the referendum, to include furnishing the ballots and arranging for the necessary poll holders.

Section 15. Subsequent referendums. (a) In the event any referendum conducted under this Act fails to receive the required number of affirmative votes, the certified organization may, with the consent of the Board be authorized to call other referendums.

(b) After the passage of any referendum, the eligible voters shall be allowed, by subsequent referendums, at least every five years, to vote on whether to continue their assessments. All of the requirements for an initial referendum must be met in subsequent referendums.

Section 16. Failure to pay assessments. (a) A cotton grower who fails to pay, when due and upon reasonable notice, any assessment levied under this Act, shall be subject to a per acre penalty as established in the Board's regulations, in addition to the assessment.

(b) A cotton grower who fails to pay all assessments, including penalties, within 30 days of notice of penalty, shall destroy any cotton plants growing on his acreage which is subject to the assessment. Any such cotton plants which are not destroyed shall be deemed to be a public nuisance, and said public nuisance may be abated in the same manner as any public nuisance. The Commissioner, with approval of the Attorney General, and upon the relation of the Attorney General, may apply to the Circuit Court of the judicial circuit in which the public nuisance is located to have said nuisance condemned and destroyed with all costs of destroying to be taxed against the grower. This injunctive relief shall be available to the Commissioner notwithstanding the existence of any other legal remedy and the Commissioner shall not be required to file a bond.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-787 S. 55—Senators Bennett, Amari, Teague and Parsons

AN ACT

To amend Section 25-5-1, Code of Alabama 1975, relating to definitions for the state workmen's compensation laws (Chapter 5, Title 25, Code of Alabama 1975), so as to include within the terms "employee" and "workmen" the employees of Tannehill Furnace and Foundry Commission, so that such employees would be covered by workmen's compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-5-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 25-5-1.

"Throughout this chapter, the following words and phrases as used therein shall be considered to have the following meanings, respectively, unless the context shall clearly indicate a different meaning in the connection used:

"(1) COMPENSATION. Such term indicates the money benefits to be paid on account of injury or death. Strictly speaking, the benefit which an employee may receive by action at law under article 2 of this chapter is damages, and this is indicated in section 25-5-31. To avoid confusion, the word 'compensation' has been used in this chapter, but it should be understood that under article 2 the compensation by way of damages is determined by a civil action. Such term does not include medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus furnished an employee on account of an injury.

"(2) CHILD OR CHILDREN. Such terms include posthumous children and all other children entitled by law to inherit as children of the deceased; stepchildren who were members of the family of the deceased, at the time of the accident, and dependent upon him for support; a grandchild of the deceased employee, whose father is dead or is an invalid, and who was supported by and a member of the family of such deceased grandparent at the time of the accident.

"(3) DEPENDENT CHILD OR ORPHAN. An unmarried child under the age of 18 years or one over that age who is physically or mentally incapacitated from earning.

"(4) EMPLOYER. Every person not excluded by Section 25-5-50 who employs another to perform a service for hire and pays wages directly to such person. Such term shall include any person, corporation, copartnership or association, or group thereof, and shall, if the employer is insured, include his insurer, such insurer

being entitled to the employer's rights, immunities and remedies under this chapter, as far as applicable, and shall not include one who regularly employs a number less than three in any business. Notwithstanding any section of articles 2 and 3 of this chapter, in no event shall a common carrier by motor vehicle operating pursuant to a certificate of public convenience and necessity be deemed the 'employer' of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

"(5) PHYSICIAN. Such term shall include 'surgeon,' and, in either case, shall mean one authorized by law to practice his profession within one of the United States and in good standing in his profession at the time.

"(6) EMPLOYEE AND WORKMAN. Such terms are used interchangeably and have the same meaning throughout this chapter, and shall be construed to mean the same. Such terms include the plural and all ages and both sexes. Such terms include every person not excluded by Section 25-5-50, in the service of another under any contract of hire, express or implied, oral or written, including aliens and also including minors who are legally permitted to work under the laws of this state, and also including all employees of Tannehill Furnace and Foundry Commission. Any reference in this chapter to a 'workman' or 'employee' shall, where the workman or employee is dead, include his dependents, as defined in this chapter, if the context so requires.

"(7) WAGES OR WEEKLY WAGES. Such terms shall in all cases, unless the context clearly indicates a different meaning, be construed to mean 'average weekly earnings.' Every person, not excluded by Section 25-5-50, in the service of another under any contract of hire, express or implied, oral or written, includes aliens and also includes minors who are legally permitted to work under the laws of the state.

"(8) ACCIDENT. Such term, as used in the phrases 'personal injuries due to accident' or 'injuries or death caused by accident' shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time injury to the physical structure of the body or damage to an artificial member of the body by accidental means.

"(9) INJURIES BY AN ACCIDENT ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT. Without otherwise affecting either the meaning or interpretation of such clause, such clause does not cover workmen except while engaged in or about the premises where their services are being performed or where their service requires their presence as a part of such service

at the time of the accident and during the hours of service as such workmen, and shall not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him and not directed against him as an employee or because of his employment, and it shall not include a disease unless the disease results proximately from the accident.

"(10) SINGULAR AND PLURAL. Wherever the singular is used, the plural shall be included.

"(11) GENDER. Where the masculine gender is used, the feminine and neuter shall be included.

"(12) LOSS OF HAND OR FOOT. Amputations between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

"(13) THE COURT. Such term shall mean the circuit court which would have jurisdiction in an ordinary civil action involving a claim for the injuries or death in question, and 'the judge' shall mean a judge of said court."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-788

S. 63—Senators Amari, Bennett, Ellis, Strong, Parsons, Little, Smith (J), and Denton

AN ACT

Relating to exempt property and allowances under the Probate Code; to permit employers to pay to the surviving spouse or to a person with custody over surviving children any wages or salary due an employee who dies intestate, said sum being considered a part of other exempt property and allowances.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever an employee of another shall die intestate and there shall be due him or her any sum as wages or salary the debtor may discharge himself from liability therefor by paying such amount to the surviving spouse of the deceased employee or, if there is no surviving spouse to the person having the legal custody and control of his or her minor child or children, or either as the

case may be, who may commence an action for and recover the same as part of the property or allowance exempted to them.

Section 2. Any sums paid in accordance with the provisions of Section 1 shall be considered as part of the Exempt Property, as defined in § 43-8-111; and, if the sums exceed $3,500.00 the excess shall be considered part of the Family allowance, as defined in § 43-8-112.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-789 S. 67—Senator Little

AN ACT

To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize by approval of the payee any state warrant to be deposited in or electronically transferred to any financial institution with this capability.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-50 of the Code of Alabama 1975, is amended to read as follows:

"Section 41-4-50.

"There shall be in the department of finance the division of control and accounts. The functions and duties of the division of control and accounts shall be as follows:

"(1) To keep all books, records and accounts relating to the finances of the state government (including the budget accounts) which are authorized or required to be kept by the department of finance, in accordance with recognized standards of public accounting and in such a manner as at all times to reveal the true financial status of the state government and of each special fund and account in the state treasury.

"(2) To control and make records of all payments into and out of the state treasury and each special fund and account therein.

"(3) To audit currently all receipts and receivables.

"(4) To preaudit and determine the correctness and legality of every claim and account submitted for the issuance of a warrant and to determine that funds have been appropriated and allotted and are then available in the state treasury for the payment of such claim or account before any warrant on the state treasury shall be issued; except, that the preaudit of claims for unemployment compensation or public assistance or child welfare or income tax refunds shall be performed by the department or departments having charge of the other functions and duties relating to unemployment compensation, or public assistance, or child welfare, or income tax refunds subject to the general supervision of the division of control and accounts.

"(5)(a) To draw every warrant authorized to be drawn upon the state treasury and any fund therein, whether a special or earmarked fund or not.

"(b) Any law to the contrary notwithstanding, any or all warrants issued by the division of control and accounts may be transferred or deposited electronically or by other acceptable methods to any financial institution capable of handling direct deposits by electronic transfer or other acceptable methods if written approval is given by the original payee of said warrant. The state comptroller shall maintain files on all written approvals given by original payees and separate records on all transfers of funds authorized in this subsection and shall furnish sufficient documentation for the purpose of auditing and reconciling such electronic financial transactions.

"(6) To secure such information and data, to prepare or make such studies and reports and to perform such other functions and duties of the department of finance as may from time to time be assigned by the director of finance."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective January 1, 1985, upon its becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-790 S. 89—Senators Mitchem and Smith (J)

AN ACT

To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, for salaries and other expenses of the legislature for the fiscal year ending September 30, 1984, the amount of Nine Hundred Thousand Dollars ($900,000) from any funds available therefor in the state treasury.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-791 S. 92—Senators Foshee and Bedford

AN ACT

To repeal Section 12-13-52, Code of Alabama 1975, which section fines probate judges for the appointment of certain persons as guardian ad litem.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-13-52, Code of Alabama 1975, is hereby expressly repealed and shall have no further force or effect of law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-792 S. 101—Senators Corbett, Bedford, Holmes and Hand

AN ACT

To amend Sections 34-11-2, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-11, 34-11-12, 34-11-13, 34-11-15, 34-11-32, and 34-11-35 of the Code of Alabama

1975, which relate to the regulation and registration of professional engineers and land surveyors, so as to regulate further such registration and the fees therefor; to provide for the issuance of certificates of authorization to certain corporations, partnerships or firms practicing engineering or land surveying; and to regulate further the compensation of members of the board of registration for professional engineers and land surveyors, and to provide for corporate practice.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-11-2, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-12, 34-11-13, 34-11-15, 34-11-32, and 324-11-35, Code of Alabama 1975, are hereby amended to read as follows:

"§ 34-11-2.

"(a) No person in either public or private capacity shall practice or offer to practice engineering or land surveying, unless he shall first have submitted evidence that he is qualified so to practice and shall be registered by the board as hereinafter provided or unless he is specifically exempted from registration under the provisions of this chapter.

"(b) In order to safeguard life, health and property, and to promote the public welfare, the practice of engineering in this state is hereby declared a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice in this state engineering as defined by this chapter, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional engineer unless such person has been duly registered or is exempt from registration under the provisions of this chapter; provided, that any person whose firm name shall have contained the word 'engineer,' 'engineers' or 'engineering,' or words of like import, for more than 15 years before September 12, 1966, shall not be prohibited from continuing the use of such word or words in his firm name.

"(c) In order to safeguard life, health and property and to promote the public welfare, the practice of land surveying in this state is hereby declared to be a profession subject to regulation in the public interest. It shall be unlawful for any person to practice or offer to practice in this state land surveying, as defined by this chapter, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional land surveyor unless such person has been duly registered or is exempt from registration under the provisions of this chapter.

"§ 34-11-4.

"The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, certification as an engineer-in-training or registration as a professional land surveyor, respectively:

"(1) PROFESSIONAL ENGINEER.

"a. Graduation and Experience Plus Examination.

"1. Graduation in an Approved Engineering Curriculum Plus Four Years Experience.—A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing; and with a specific record of an additional four years or more of experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects and, after passing the examination in the fundamental engineering subjects, shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified. In counting years of experience, the board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering.

"2. Graduation in an Unapproved Engineering Curriculum Plus Six Years Experience.—A graduate of an unapproved engineering curriculum of four years or more and with a specific record of six years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

"3. Graduation in an Approved Engineering Technology or Related Science Curriculum Plus Eight Years Experience.—A graduate of an approved engineering technology curriculum of four years or more from a school or college approved by the board or a graduate of a related science curriculum of four years or more and with a specific record of eight years or more of progressive experience in engineering work of a grade and character satisfactory to the board

and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

"b. Experience Plus Examination.—Prior to December 31, 1992, but not thereafter, an applicant having a specific record of twelve years or more of progressive experience in engineering work of a character and grade satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

"c. Reciprocity.—The board may, upon application therefor, issue a certificate of registration as a professional engineer to any person who holds a valid certificate issued by the committee on national engineering certification of the national council of engineering examiners, or of any state or territory or possession of the United States, the District of Columbia, or of any country; provided, that the applicant's qualifications meet the requirements of this chapter and the rules established by the board. Such an applicant may, at the discretion of the board, be authorized to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the board acts upon the application.

"(2) ENGINEER-IN-TRAINING.

"a. Graduation Plus Examination.

"1. Graduation in an Approved Engineering Curriculum—A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing and successfully passing an eight-hour written examination in the fundamental engineering subjects; or

"2. Graduation in an Unapproved Engineering Curriculum Plus Two Years Experience—A graduate of an unapproved engineering curriculum of four years or more and with a specific record of two years or more of progressive experience in engineering work of a grade and character satisfactory to the board and successfully

passing an eight-hour written examination in the fundamental engineering subjects; or

"3. Graduation in an Approved Engineering Technology or Related Science Curriculum Plus Four Years Experience—A graduate of an Engineering Technology Curriculum or of a related science curriculum of four years or more and with a specific record of four years or more of experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects.

"b. Experience Plus Examination.—Prior to December 31, 1988, but not thereafter, an applicant having a specific record of six years or more of experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects.

"c. Reciprocity.—Engineer-in-training examinations of comparable character taken and passed in other states may be accepted by the board.

"d. Engineer-in-Training Certification.—The certification of an engineer-in-training shall be valid for a period of 10 years, except that applicants qualifying under subsection (2) b of this section, may not be qualified for registration as a professional engineer after December 31, 1992.

"(3) PROFESSIONAL LAND SURVEYOR.

"a. Graduation and Experience Plus Examination.

"1. Graduation in Approved Curriculum Plus Two Years Experience—A graduate of a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying, with an additional two years or more of experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying, shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he is otherwise qualified.

"2. Graduation in Unapproved Engineering Curriculum Plus Four Years Experience—A graduate of an unapproved engineering curriculum of four years or more or a graduate of an approved land surveying technology curriculum and with a specific record of four

years or more of progressive experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-year written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he is otherwise qualified.

"b. Experience Plus Examination.—An applicant having a specific record of eight years or more of experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he is otherwise qualified.

"(4) CHARACTER.—No person shall be eligible for registration as a professional engineer, certification as an engineer-in-training or registration as a professional land surveyor who is not of good character and reputation.

"(5) TEACHING CREDITS.—In considering the qualifications of applicants, engineering teaching with the rank equivalent to assistant professor or higher in an engineering curriculum approved by the board may be construed as equivalent to engineering experience.

"(6) NONPRACTICING APPLICANTS.—Any person having the necessary qualifications prescribed in this chapter to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

"§ 34-11-5

"(a) Applications for registration as a professional engineer or professional land surveyor shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references. Three or

more of the references contained in an application for registration as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references contained in an application for professional land surveyor shall be professional engineers also registered as professional land surveyors or professional land surveyors having personal knowledge of the applicant's land surveying experience. The forms shall contain the rules of professional conduct (code of ethics) prescribed by the board for the classification under this chapter.

"(b) The registration fee for professional engineers or professional land surveyors shall be $50.00, $25.00 of which shall accompany the application, the remaining $25.00 shall be paid when registration is granted. Should the applicant fail or refuse to remit the said remaining $25.00 within 30 days after being notified, in the usual manner, that the applicant has successfully qualified, the applicant shall forfeit the right to have a certificate so issued and said applicant may be required again to submit an original application and pay an original fee therefor. The registration of persons qualifying for a combined certificate as 'professional engineer and professional land surveyor' shall conform to the requirements set forth both for 'professional engineer' and for 'professional land surveyor.'

"(c) Application for certification as engineer-in-training shall be on a form prescribed by the board, and shall contain statements made under oath, showing the applicant's education; and the form shall contain the rules of professional conduct (code of ethics) prescribed by the board for the classification under this chapter.

"(d) The fee for engineer-in-training shall be set by the board and shall not exceed $50.00. This fee shall accompany the application and shall include the cost of the next scheduled fundamentals of engineering examination. Any applicant who fails to appear for the examination or fails to pass the examination must file a new application and pay the prescribed fee in order to be admitted to another examination.

"(e) The fee for a certificate of authorization for a corporation, partnership or firm shall be set by the board and shall not exceed $100.00, and shall accompany the application.

"(f) Should the board deny the issuance of a certificate of registration to any applicant, or the certificate of authorization to any corporation, partnership or firm, the initial fee deposited shall be retained as an application fee.

"§ 34-11-6.

"(a) When oral or written examinations are required, they shall be held at such time and place as the board shall determine

and upon payment of an examination fee. When examinations are required on fundamental engineering subjects, such as are ordinarily given in college curricula, the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward registration as a professional engineer.

"(b) The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing one examination may apply for reexamination. Reexamination will be granted upon payment of a fee to be determined by the board.

"(c) The fees for examination, reexamination and regrading of an examination shall be set by the board and shall not exceed $100.00

"§ 34-11-7.

"(a) The board shall issue a certificate of registration upon payment of registration fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of an engineer-in-training, the certification shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board, that the applicant has been enrolled as an engineer-in-training. In the case of a professional land surveyor, the certificate shall authorize the practice of land surveying. In the case of a professional engineer and professional land surveyor, the certificate shall authorize the practice of engineering and land surveying. Certificates of registration shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman and the secretary of the board under the seal of the board.

"(b) The issuance of a certificate of registration by this board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a professional engineer, or of a professional land surveyor while the said certificate remains unrevoked or unexpired.

"(c) Each professional engineer may upon registration obtain a

seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend, 'registered professional engineer'. Engineering drawings, plans, specifications, plats and reports issued by a registrant or by qualified persons under his direction and for which he assumes full responsibility shall be certified in accordance with this chapter during the life of the registrant's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal, signature or facsimile after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

"(d) Each professional land surveyor may upon registration obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend, 'registered professional land surveyor.' Land plats, legal descriptions of lands and land surveying reports issued by a registrant or by qualified person under his direction and for which he assumes full responsibility shall be certified in accordance with this chapter during the life of the registrant's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal, signature or facsimile after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been reissued.

"§ 34-11-8.

"(a) Certificates of registration for professional engineers and professional land surveyors shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed $25.00. It shall be the duty of the secretary of the board to notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed to the registrant's last address recorded by the secretary of the board and shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by payment of a fee. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid shall be increased 10 percent for each month or a fraction of a month that payment of renewal is delayed; provided, however, that the maximum time for renewal shall not exceed six months. The board, in its discretion, may make an exception to the foregoing renewal provisions in the case of a person who is in the armed service of the United States.

"(b) Certificates of enrollment for engineers-in-training shall

expire on the last day of the month of December following their issuance or renewal. The notification to holders of certificates of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than $2.00 nor more than $5.00. The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training, but his name shall, after 90 days, be removed from the board's current mailing list. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

"(c) Certificates of authorization issued to corporations, partnerships or firms practicing or offering to practice engineering or land surveying under the provisions of this chapter shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed $100.00. It shall be the duty of the secretary of the board to notify every corporation, partnership or firm holding a certificate of authorization under this chapter of the date of expiration of such certificate and the amount of the fee which shall be required for its renewal for one year; such notice shall be mailed to the last address recorded by the secretary for the corporation, partnership or firm. Such notice shall be mailed by the secretary at least one month in advance of the date of expiration of said certificate. Renewals may be affected at any time during the month of December by payment of the required fee. Failure by the corporation, partnership or firm to renew its certificate of authorization during the month of December shall cause said certificate to expire, and it shall be unlawful for said corporation, partnership or firm to practice, offer to practice or hold itself out as qualified to practice engineering or land surveying in Alabama following the expiration of said certificate of authorization. A certificate of authorization not renewed within two years after it has expired shall become null and void. The board may, for good reason shown, reissue a certificate of authorization to any corporation, partnership or firm whose certificate has become null and void. A fee to be set by the board and not to exceed $100.00 shall be charged the corporation, partnership or firm for such reissue.

"§ 34-11-9.

"(a) Engineering incidental to production, manufacture, transportation, public utilities or affiliates thereof.—The practice of engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution or communication may be carried on by any person, partnership, firm or corporation engaged in such production, manufacture, transportation, distribution or communication if such engineering services are

performed by or under the direction of a professional engineer or engineers registered in conformity with this chapter. All drawings, plans, specifications, plats and reports involving the practice of engineering shall when issued be dated and bear the seal or facsimile of such seal or signature and registration number of the professional engineer in responsible charge thereof.

"(b) Engineering services offered to the public.—The practice of or offer to practice engineering and land surveying as defined in section 34-11-1 of this chapter by individual professional engineers or professional land surveyors registered under this chapter through a corporation, partnership or firm offering engineering services or land surveying services to the public through individual registered professional engineers or professional land surveyors, as agents, employees, officers or partners, is permitted subject to the provisions of this chapter; provided, that one or more of the principal officers of such corporation or firm or partners of such partnership and all personnel of such corporation, partnership or firm who act in its behalf as professional engineers or professional land surveyors in this state are registered as provided by this chapter, or are persons lawfully practicing under section 34-11-14 of this chapter, and further provided, that said corporation, partnership or firm has been issued a certificate of authorization by the board as provided herein. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering or land surveying as defined in section 34-11-1 of this chapter which shall have been prepared or approved for the use of such corporation, partnership or firm or for delivery to any person or for public record within the states shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them. Nothing in this section should be construed to mean that a certificate of registration to practice engineering or land surveying shall be held by a corporation, partnership or firm.

"(c) Nothing in this section prohibits an individual, corporation, firm or partnership from joining together to practice, offering to practice or holding themselves out as qualified to practice engineering or land surveying provided that such individual, corporation, firm or partnership meets all other provisions of this section.

"(d) No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers or partners by reason of its compliance with the provisions of this section, nor shall any individual practicing engineering or land surveying as defined in section 34-11-1 be relieved of responsibility for such work performed by reason of employment, association or relationship with such corporation, partnership or firm.

"(e) A corporation, partnership or firm desiring a certificate of authorization shall file with the board an application upon such a form to be prescribed by the board and the designation required by the following subsection, accompanied by the registration fee prescribed by section 34-11-5(e) of this chapter.

"(f) A corporation, or firm shall file with the board, using a form provided by the board, the names and addresses of all officers and board members of the corporation or firm including the principal officer or officers duly registered to practice engineering or land surveying in this state, who shall be in responsible charge of the practice or offering to practice of engineering or land surveying in this state by said corporation or firm and also of the individual or individuals duly registered to practice or offer to practice engineering or land surveying in this state who shall also be in responsible charge of practicing or offering to practice engineering or land surveying in this state by said corporation or firm. A partnership shall file with the board using a form provided by the board, the names and addresses of all partners, including the partner or partners duly registered to practice engineering or land surveying in this state, and also of an individual or individuals duly registered to practice engineering or land surveying in this state who shall be in responsible charge of the practice of engineering or land surveying in this state by said partnership. This same form, giving the same information, must accompany the annual renewal fee prescribed in section 34-11-8(c). In the event there shall be a change in any of these persons during the year such changes shall be designated on the same form and filed with the board by the corporation, partnership or firm within thirty days after the effective date of such change.

"(g) If all the requirements of this section are met, the board shall issue to such corporation, partnership or firm a certificate of authorization; provided, however, the board may refuse to issue a certificate, if any facts exist which would entitle the board to suspend or revoke an existing certificate, or if the board, after giving the persons involved a full and fair hearing as authorized in section 34-11-35 of this chapter, shall determine that any of the officers or directors of said corporation or partners of said partnerships are not persons of good character. Any person aggrieved by an adverse determination of the board may appeal to the circuit court in the manner provided in section 34-11-13 of this chapter.

"(h) For the purposes of this section, a certificate of authorization shall be required by a corporation, partnership, firm, association or person practicing under a fictitious name, offering engineering or surveying services to the public; except, however, where an individual is practicing engineering or surveying in his own given name, he shall not be required to register under this section.

"(i) Persons or firms seeking to incorporate or register to do business in the state of Alabama under the provisions of this section shall first obtain approval from the board of registration for professional engineers and land surveyors prior to filing their articles of incorporation or revisions thereto with the secretary of state. Issuance of a certificate of authorization by the board will be contingent upon official notification of approval of charter or sanction by the secretary of state.

"§ 34-11-11.

"(a) The board shall have the power to censure any registrant, certified engineer-in-training, corporation, partnership or firm or to suspend or revoke the certificate of any registrant or certificated engineer-in-training or certificate of authorization of a corporation, partnership or firm found guilty of:

"(1) The practice of any fraud of deceit in obtaining a certificate of registration;

"(2) Any gross negligence, incompetency, violation of the code of ethics prescribed by the board or any amendment thereof or misconduct in the practice of engineering or land surveying as a professional engineer, engineer-in-training or professional land surveyor;

"(3) Falsely representing himself as being in responsible charge of engineering work or land surveying; or

"(4) Permitting his seal, or facsimile thereof, to be used by another.

"(b) Any person may prefer charges of violation of this section against any individual registrant or corporation partnership or firm holding a certificate of authorization. Such charges shall be in writing and shall be sworn to by the person making them, either upon actual knowledge or upon information and belief, and shall be filed with the secretary of the board.

"(c) The board is empowered to designate a person or persons to investigate and report to it on any of the above charges and may employ such legal counsel as the board may deem necessary or desirable.

"(d) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within a reasonable time, but not more than 6 months after the date on which such charges were preferred.

"(e) The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such individual registrant, or corporation,

partnership or firm holding a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing the accused individual registrant or corporation, partnership or firm holding a certificate of authorization shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him or it, and to produce evidence and witnesses in his or its own defense. If the accused fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

"(f) If after such hearing three or more members of the board vote in favor of finding the accused guilty, the board shall censure the registrant or certificated engineer-in-training, or suspend or revoke the certificate of such professional engineer, professional land surveyor or certificated engineer-in-training. The written decision of the board shall be delivered personally to the accused or sent by registered mail to the last known address of the accused.

"(g) The board shall revoke the certificate of any registrant or certificated engineer-in-training who has been:

"(1) Declared non compos mentis by a court of competent jurisdiction; or

"(2) Convicted of a crime involving moral turpitude.

"(h) The board shall have the power to revoke a certificate of authorization for a period of time not to exceed two years, or place the holder of a certificate of authorization on probation for a period of time not exceeding two years, when the agents, employees, officers, partners, or owners of said corporation, partnership or firm, registered or non-registered, have committed any act, or have been guilty of any conduct, which would authorize a revocation or suspension of the certificate of registration under the provisions of this section, provided such acts or conduct by such persons were related to the practice of or offer to practice of engineering or land surveying by that corporation, partnership or firm in this state and the board finds that such acts or conduct were performed or occurred within the scope of the employment of any such person and with the authorization, ratification, or approval of an officer, director, principal, partner or owner of such corporation, partnership or firm.

"§ 34-11-12.

"The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person or certificate of authorization to any corporation, partnership or firm whose certificate has been revoked, provided three or more members of the board vote in favor of such reissuance. The board shall not consider reissuance of certificate to any person whose certificate has been revoked because of non compos mentis until after said person shall have been declared

to have fully regained his competency by a court of competent jurisdiction. The board shall not consider the reissuance of a certificate to a person convicted of a crime of moral turpitude until the person's civil rights have been restored and at least five years shall have elapsed since said conviction, and then a unanimous approval vote of the board concerning said reissuance shall be required. A new certificate to replace any certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules of the board, and a charge of $10.00 shall be made for such issuance.

"§ 34-11-13.

"Any person, corporation, partnership or firm who shall feel aggrieved by any action of the board in denying, suspending or revoking his certificate of registration or its certificate of authorization may appeal therefrom within 60 days to the circuit court of Montgomery county, Alabama; and, after full hearing, said court shall make such judgment sustaining or reversing the action of the board as it may deem just and proper. The judgment of the circuit court may be appealed in the manner prescribed by the Alabama Rules of Appellate Procedure to the supreme court of Alabama. The board's order may, at the discretion of the circuit court, be stayed during the period of any appeal.

"§ 34-11-15.

"(a) Any person who shall practice, offer to practice, or hold himself out as qualified to practice engineering or land surveying in this state without being registered or exempted in accordance with the provisions of this chapter, or any person presenting or attempting to use as his own the certificate of registration or the seal or facsimile thereof of another, or permitting his own certificate of registration, seal or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining, or attempting to obtain a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired, suspended or revoked certificate of registration, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than $100.00, nor more than $500.00, or be imprisoned for a period not exceeding three months, or both for each and every offense.

"(b) Any corporation, partnership or firm who violates any part of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than $500.00, nor more than $1,000.00. Each day of the violation shall be a separate offense.

"(c) It shall be the duty of all duly constituted officers of law of this state, or any political subdivision thereof, to enforce the provisions of this chapter, and to prosecute any persons, firms, partnerships or corporations violating same. The attorney general of the state or his assistants shall act as legal advisor to the board and render such legal assistance to the board as may be necessary in carrying out the provisions of this chapter. The board will, however, have the right to obtain private legal counsel as the need arises.

"§ 34-11-32.

"Each member of the board shall receive the sum of $50.00 per diem when actually attending to the work of the board of any of its committees and for the time spent in necessary travel and, in addition thereto, shall be reimbursed for traveling expenses as provided in article 2 of chapter 7 of Title 36 of this Code, and incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

"§ 34-11-35.

"(a) The board shall have the power to adopt and amend such bylaws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall have the power to adopt and amend from time to time rules of professional conduct for professional engineers, engineers-in-training professional land surveyors, and corporations, partnerships or firms holding certificates of authorization. The board shall adopt and have an official seal.

"(b) In carrying into effect its duties in any case involving the revocation of registration or practicing or offering to practice without registration, or false statement in connection with an application for registration, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance and may also require the production of books, papers, documents and other pertinent data. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers or documents, the board may present its petition to the circuit court of Montgomery county, Alabama, setting forth the facts, and thereupon such circuit court of Montgomery county shall, in a proper case, issue its subpoena to such person, requiring his attendance before such circuit court of Montgomery county and there to testify or to produce such books, papers and documents, or data. Any person failing or refusing to obey the subpoena or order of the circuit court of Montgomery county may be proceeded against in the same manner as for

refusal to obey any other subpoena or order of the circuit court of Montgomery county.

"(c) The board is charged with the duty of seeing that the provisions of this chapter are enforced. The board shall investigate any complaint relating to the violation of any provisions of this chapter and, should a violation be indicated, the board shall present the facts of their findings to the district attorney of the county where the violation complained of occurred and shall aid in the prosecution of the violator.

"(d) The board, for good cause, is authorized to apply for relief by injunction, without bonds, to restrain any person, firm, partnership or corporation from the commission of any act which is prohibited by this chapter. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result, from the continued violation thereof. Application for said injunction may be made to the circuit court of Montgomery county, Alabama or the circuit court of the county in which it is alleged that the violation is about to occur, at the request of the board. Said injunction may not be granted ex parte, and any judgment or decree may be appealed in the manner prescribed by law to the supreme court of Alabama.

"(e) No action or other legal proceedings for damages shall be instituted against the board or against any board member or employee of the board for any act done in good faith and in the intended performance of any power granted under this chapter or for any neglect or default in the performance or exercise in good faith of any such duty or power."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-793 S. 133—Senator deGraffenried

AN ACT

To amend Sections 15-12-20, 15-12-21, 15-12-22 and 15-12-24 of the Code of Alabama 1975, relating to defense of indigents, so as to provide further for representation of indigents; and to provide further for the compensation of counsel and reimbursement for expenses incurred; to authorize the state comptroller to withdraw certain amounts from the fair trial tax fund to cover the expenses of administering indigent defense; and to amend Section 12-19-252 of the Code of Alabama 1975, so as

to further provide for annual appropriations from the fair trial tax fund to pay the withdrawals of the state comptroller.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15-12-20, 15-12-21, 15-12-22 and 15-12-24 are hereby amended to read as follows:

"Sec. 15-12-20.

"In all criminal cases, including paternity cases and civil and criminal nonsupport cases which may result in the jailing of the defendant, in any court of this state created by authority of the Constitution of 1901, as amended, when a defendant is entitled to counsel as provided by law, the trail judge shall before arraignment ascertain from the accused, or otherwise:

"(1) Whether or not the defendant has arranged to be represented by counsel;

"(2) Whether or not the defendant desires the assistance of counsel; and

"(3) Whether or not the defendant is able financially or otherwise to obtain the assistance of counsel.

"Sec. 15-12-21.

"(a) If it appears to the trail court that such defendant is entitled to counsel, that such defendant does not expressly waive the right to assistance of counsel and that such defendant is not able financially or otherwise to obtain the assistance of counsel, the court shall appoint counsel to represent and assist the defendant; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said defendant.

"(b) If it appears to the trial court in a delinquency case, need of supervision case or other judicial proceeding in which a juvenile is a party, that said juvenile is entitled to counsel and that such juvenile is not able financially or otherwise to obtain the assistance of counsel or that appointed counsel is otherwise required by law, the court shall appoint counsel to represent and assist the juvenile or act in the capacity of guardian ad litem for such juvenile; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said juvenile.

"(c) If it appears to the trial court that the parents, guardian or custodian of a juvenile who is a party in a judicial proceeding, are entitled counsel and such parties are unable to afford counsel, upon request the court shall appoint counsel to represent and assist such

parents, guardian or custodian; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said parties.

"(d) Counsel appointed in cases described in subsections (a), (b) and (c) above, including such cases tried de novo in circuit court on appeal from a juvenile proceeding, shall be entitled to receive for their services a fee to be approved by the trial court. The amount of such fee shall be based on the number of hours spent by the attorney in working on such case and shall be computed at the rate of $40.00 per hour for time expended in court and $20.00 per hour for time reasonably expended out of court in the preparation of such case. The total fees to any one attorney in any one case, from the time of appointment through the trial of the case, including motions for new trial, shall not, however, exceed $1,000.00, except as follows: In cases where the original case involved a capital offense or a charge which carries a possible sentence of life without parole, the limits shall be $1,000.00 for out-of-court work, plus payment for all in-court work, said work to be billed at the aforementioned rates. Counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in such defense to be approved in advance by the trial court. Retrials of a case shall be considered a new case.

"(e) Within a reasonable time after the conclusion of the trial or ruling on a motion for a new trial or after an acquittal or other judgment disposing of the case, counsel shall submit to the trial court a bill for services rendered, not to exceed the amount provided in subsection (d) of this section, and such bill, if approved by the trial court, shall be submitted by the clerk of the court to the state comptroller for audit and allowance and, if approved by the comptroller, shall be forwarded to the state treasurer for payment.

"§ 15-12-22.

"(a) In all criminal cases wherein a defendant has been convicted of a serious offense in which an appeal lies directly to the supreme court or court of criminal appeals and the defendant expresses his desire to appeal such conviction, the court shall cause to be entered upon its minutes a recital of notice of appeal, and the court shall then ascertain and make findings in reference to the appeal concerning those items listed in section 15-12-20.

"(b) If it appears that the defendant desires to appeal and is unable financially or otherwise to obtain the assistance of counsel on appeal and the defendant expresses the desire for assistance of counsel, the trial court shall appoint counsel to represent and assist the defendant on appeal. The presiding judge of the court to which the appeal is taken shall have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes

necessary to further provide for counsel. It shall be the duty of such counsel, as an officer of the court and as a member of the bar, to represent and assist such defendant in the appeal.

"(c) If it appears that a juvenile who is a party to an appeal is otherwise required by law or by rule of court to be represented by appointed counsel, the trial court shall appoint counsel to represent and assist such juvenile on appeal. The presiding judge of the court to which the appeal is taken shall have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes necessary to further provide for counsel. It shall be the duty of such counsel, as an officer of the court and as a member of the bar, to represent and assist such juvenile in the appeal.

"(d) Counsel appointed to defend any indigent defendant for the appeal from a decision in any criminal or juvenile proceeding, excluding cases tried de novo in circuit court on appeal from a juvenile proceeding, shall be entitled to receive for their services a fee to be approved by the appellate court. The amount of such fee shall be based on the number of hours spent by the counsel in working on such appeal and be computed at the rate of $40.00 per hour for time reasonably expended in the prosecution of such appeal, and any subsequent petition for writ of certiorari. The total fees awarded to any one attorney in any appeal and any subsequent petition for writ of certiorari, shall not, however, exceed $1,000.00, and shall be in addition to any fees awarded on the trial court level. In those cases where the state takes a pretrial appeal, appointed counsel shall be entitled to bill separately for services on the pretrial and post-trial appeals, up to $1,000.00 for each appeal. In those cases where a petition for writ of certiorari is granted to the Alabama Supreme Court, counsel shall be entitled to bill separately for all services rendered after the granting of the certiorari petition, up to a separate limit of $1,000.00 over and above any funds received for services rendered in the Court of Criminal Appeals. Such counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in preparing and handling such appeal, to be approved in advance by the appellate court.

"(e) Within a reasonable time after the disposition of the appeal, counsel shall submit to the appellate court a bill for services rendered, not to exceed the amount provided in subsection (d) of this section, and such bill, when approved by the presiding judge or chief justice of the appellate court, shall be submitted by the clerk of the appellate court to the state comptroller for audit and allowance and, if approved by the comptroller, forwarded to the state treasurer for payment.

"Fees awarded to appointed counsel for time expended prior to the effective date of this act in the preparation of such cases shall be calculated at the rates in effect prior to such date; provided, however, that nothing in this section shall be construed so as to prevent court appointed counsel from receiving fees calculated at the rates prescribed in this article for time expended after the effective date of this act in the preparation of such cases. Any claim which is submitted after the effective date of this act which is based upon hours expended both prior to and subsequent to the effective date of this act shall be subject to the maximum fee and expense amounts prescribed herein."

Section 2. The state comptroller is authorized to withdraw from or charge to the fair trial tax fund such amounts not to exceed $12,500 quarterly to pay the expenses of administering the provisions of chapter 12 of title 15, Code of Alabama 1975.

Section 3. Section 12-19-252 of the Code of Alabama 1975 is hereby amended to read as follows:

"Sec. 12-19-252.

"There is hereby appropriated from the fair trial tax fund, annually, such amount as may be necessary to pay the fees of counsel, court reporters, clerks, registers and such other necessary expenses of indigent defense as are provided by law.

"There is also hereby appropriated from the fair trial tax fund, annually, such amount not exceeding $50,000 as may be necessary to pay the quarterly withdrawals of the state comptroller for the expenses of administering such indigent defense.

"In addition thereto, there is also appropriated annually out of the general fund in the state treasury a sum equal to the amount by which the cost of such necessary expenses of indigent defense, as provided by law, exceeds the amount available for such purpose in the fair trial tax fund.

"If the county maintains a public defender, there shall be paid a resonable share of the cost of maintaining such office, the amount appropriated for such purpose to be prorated to the several counties maintaining public defender's offices on the basis of the case load of the respective public defender offices."

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-794 S. 156—Senator Teague

AN ACT

To provide that those officials authorized to issue motor vehicle license plates shall have the authority to require proof of payment of the Federal Heavy Motor Vehicle Excise Tax imposed by Title 26 U.S.C. § 4481, in order to insure that the State of Alabama does not suffer any reduction in the State's share of federal highway funds as provided by Title 23 U.S.C. § 141(d), and to prohibit the issuance of motor vehicle license plates to those motor vehicles having a taxable gross weight of 33,000 pounds or more until the applicant provides proof that the tax imposed by Title 26 U.S.C. § 4481, has been paid for the particular motor vehicle sought to be registered and licensed.

Be It Enacted by the Legislature of Alabama:

Section 1. All judges of probate, license commissioners, and other officials authorized by law to register motor vehicles and issue motor vehicle license plates and to perform other duties in connection with the issuance of motor vehicle license plates shall refuse to register a motor vehicle having a gross weight of 33,000 pounds or more and shall refuse to issue any motor vehicle license plate for such motor vehicle and shall refuse to transfer any motor vehicle registrations and license plates for such motor vehicles unless the applicant furnishes proof of payment, in the form prescribed by the Secretary of the United States Treasury, that the Federal Heavy Vehicle Excise Tax imposed by Title 26, United States Code § 4481, has been paid.

Section 2. The Department of Revenue is empowered to adopt such rules and regulations as it may deem necessary for the proper administration of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective October 1, 1984.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-795 S. 9—Senator Teague

AN ACT

To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license plate of a vehicle or an engine, so as to provide for the forfeiture and condemnation of certain items seized pursuant to this section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-8-86, Code of Alabama 1975, is hereby amended to read as follows:

"Section 32-8-86.

"(a) A person who willfully removes or falsifies an identification number of a vehicle, engine, transmission or other identifiable component part of a vehicle is guilty of a Class A misdemeanor and shall be punished as required by law.

"(b) A person who, willfully and with intent to conceal or misrepresent the identity of a vehicle, engine, transmission or other identifiable component part of a vehicle or removes or falsifies an identification number of the same is guilty of a Class C felony and shall be punished as required by law.

"(c) A person who buys, receives, possesses, sells or disposes of a vehicle, or an engine, transmission or other identifiable component part of a vehicle, knowing that an identification number of the same has been removed or falsified, is guilty of a Class A misdemeanor and shall be punished as required by law.

"(d) A person who buys, receives, possesses, sells or disposes of a vehicle, engine, transmission or other identifiable component part of a vehicle, with knowledge that an identification number of same has been removed or falsified and with intent to conceal or misrepresent the identity of same is guilty of a Class C felony and shall be punished as required by law.

"(e) A person who removes a license plate or tag from a vehicle or affixes to a vehicle a license plate or tag not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of a vehicle or its owner, is guilty of a Class A misdemeanor and shall be punished as required by law.

"(f) As used in this section:

"(1) IDENTIFICATION NUMBER. Such term includes an identifying number, serial number, engine number or other distinguishing number or mark placed on a vehicle, engine, transmission or other component part of a vehicle, by its manufacturer or by authority of the department or in accordance with the laws of another state or country.

"(2) REMOVE. Such term includes deface, cover or destroy.

"(3) FALSIFY. Such term includes alter and forge.

"(4) IDENTIFIABLE COMPONENT PART. Such term includes any part of a vehicle that an identifying number stamped or placed on it by the manufacturer or other authorized person or any

part that can be identified by other means as being a part of a particular vehicle.

"(g) An identification number may be placed on a vehicle, engine, transmission, or other identifiable component part of a vehicle, by its manufacturer in the regular course of business or placed or restored on same by authority of the department without violating this section; an identification number so placed or restored is not falsified.

"(h) Any vehicle, engine, transmission, or other identifiable component part, wherein the identification number or numbers appear to be altered, or removed may be seized and detained by law enforcement officials for a reasonable period of time for determination of the true identity of the vehicle, engine, transmission, or other component parts. Any item seized by law enforcement officials, wherein ownership cannot be determined shall be contraband and subject to forfeiture.

"(i) Any seized item taken or retained under this section shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment of the court having jurisdiction over the forfeiture proceedings.

"(j) Any vehicle which has been reported stolen and subsequently recovered by law enforcement officials may be returned to the person claiming ownership upon proper ownership documentation. However, any recovered vehicle wherein ownership is in question shall be returned subject only to the orders of a Circuit Court having jurisdiction of the matter.

"(k) No civil liability shall attach to any law enforcement official acting in good faith under this section.

"(l) When property is forfeited under this section, the state, county, or municipal law enforcement agency may with approval of a court of competent jurisdiction:

"(1) Retain it for official use.

"(2) Placed in a crusher and destroyed.

"(3) Any vehicle which is retained for official use under this section, shall be placed in a crusher and destroyed, upon its becoming unserviceable."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 13, 1984
Time: 5:00 P.M.

Act No. 84-796 S. 65—Senator Little

AN ACT

To amend Section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3-1-29 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 3-1-29.

"(a) It shall be a Class C felony for any persons:

"(1) To own, possess, keep or train any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog;

"(2) For amusement or gain, to cause any dog to fight with another dog, or cause any dogs to injure each other;

"(3) To permit any act in violation of subdivisions (1) and (2) of this subsection.

"(b) It shall be a Class C felony for any person to be knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or to be knowingly present at such exhibition or to knowingly aid or abet another in such exhibition.

"Any dog used to fight other dogs in violation of subsection (a) of this section, shall be confiscated as contraband by the sheriff or other law enforcement officers and shall not be returned to the owner, trainer or possessor of said dog. The court shall award the animals to the humane society or other agency handling stray animals. At its discretion, the humane society or other agency handling stray animals shall humanely dispatch or dispose of any confiscated dog.

"(c) Any dog confiscated pursuant to subsection (b) of this section by the sheriff or other law enforcement officers shall be taken to the local humane society or other animal welfare agency.

"(d) An appointed veterinarian or officer of the humane society or other animal welfare agency may upon delivery or at any time

thereafter destroy the animal that is in his opinion injured, diseased past recovery, or whose continued existence is inhumane and destruction is necessary to relieve pain or suffering.

"(e) After confiscation the humane society or other animal welfare agency may make application to the circuit court for a hearing to determine whether any animal seized pursuant to subsection (b) of this section shall be humanely destroyed due to disease, injury or lack of any useful purpose because of training or viciousness. The court shall set a hearing date not more than thirty days from the filing of the application and shall give notice of the same to the owners of the animals. Upon a finding by the court that the seized animals are diseased, injured or lack any useful purpose due to training or viciousness, it shall be within the authority of the humane society or other animal welfare agency to humanely destroy such animal. Any animal found by the court not to be diseased, injured or lacking any useful purpose due to training or viciousness shall be delivered to a court-approved private veterinarian or a private housing facility under the supervision of a veterinarian. Expenses incurred in connection with the housing, care or upkeep of the dogs by any person, firm, partnership, corporation or other entity shall be taxed against the owner.

"(f) If any dog owner is convicted under subsection (a) of this section, the animal(s) shall be awarded to the local humane society or other animal welfare agency."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-797

S. 71—Senators Mitchem, Barron and Little

AN ACT

To amend Sections 2-15-131 and 2-15-133, Code of Alabama 1975, relating to the Livestock Dealers' Financial Responsibility Act, so as to include catfish in the definition of livestock and to provide when payment of purchase of catfish is to be made by the dealer.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2-15-131 and 2-15-133 of the Code of Alabama 1975, are hereby amended to read as follows:

"§ 2-15-131.

"When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) COMMISSIONER. The commissioner of agriculture and industries of the state of Alabama.

"(2) BOARD. The board of agriculture and industries of the state of Alabama.

"(3) DEPARTMENT. The department of agriculture and industries of the state of Alabama.

"(4) PERSON. Any individual, partnership, corporation, association or other business unit.

"(5) DEALER. Any person engaged in the business of buying livestock in the state of Alabama for resale, exchange or slaughter and meat packing purposes, either on his own account or as agent for others on a commission basis or otherwise.

"(6) LIVESTOCK. Cattle, swine, sheep, goats, horses, mules, assess and catfish."

"§ 2-15-133.

"(a) No license as required under section 2-15-132 shall be issued or renewed until the applicant therefor shall make, execute and thereafter maintain on file with the commissioner a bond or a bond equivalent as provided in subsection (f) of this section in favor of the state of Alabama or a trustee to be approved by the commissioner to secure the performance of obligations incurred in the state of Alabama and the payment thereof to persons from whom such dealer purchases livestock. Except as otherwise provided in this subsection, the amount of each bond shall be not less than the next multiple of $2,000.00 above the average amount of purchases of livestock purchased either as a dealer or on an agency basis in Alabama during a period equivalent to two business days based on the total number of business days and the total amount of such transactions during the preceding 12 months or in such substantial part thereof in which the applicant did business. For the purpose of this computation, 260 shall be deemed the number of business days in any year. Bonds above $26,000.00 shall be not less than the next multiple of $5,000.00 above the average amount of livestock purchased either as a dealer or on an agency basis in Alabama, computed as set out in this subsection. When the amount of a bond, calculated as required in this subsection, exceeds $50,000.00, the amount of the bond shall not exceed $50,000.00 plus 10 percent of the excess, unless the commissioner has reason to believe that a bond in such amount is inade-

quate because of the volume of business conducted on a seasonal or otherwise irregular basis, in which event the commissioner shall determine and specify the amount of the bond to be required.

"(b) In no case shall a bond covering the buying operations of a dealer be less than $10,000.00.

"(c) If the applicant is a successor in business to a dealer subject to the requirements of this article, the bond of such applicant shall be in an amount not less than that required of the prior dealer, unless the commissioner finds that the amount of such a bond will be excessive and unnecessary. If the applicant has not been previously engaged in the business of a dealer subject to the requirements of this article, the bond of such applicant shall be in an amount equivalent to the estimated value of livestock purchases which it is anticipated such applicant will make during any two business days during the succeeding 12 months; provided, however, that the amount of such bond shall be subject to adjustment from time to time in accordance with the provisions of subsection (e) of this section.

"(d) Bonds required by subsection (a) of this section shall be conditioned that the dealer or principal shall pay, when due to the person or persons entitled thereto, the purchase price of all livestock purchased in the state of Alabama by said dealer-principal for his own account or for the accounts of others and that the said dealer-principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the account of others. Bonds required by subsection (a) of this section shall be written by a surety company qualified to do business in Alabama. Any person having a cause of action against a dealer for breach of the condition of the bond may bring a civil action against the principal and surety of such bond in any court of competent jurisdiction for recovery of the loss resulting from such breach of the condition of the bond; provided, however, that the aggregate liability of the surety for all such losses shall not exceed the amount of the bond. The bond shall contain a provision requiring not less than 15 days' written notice to the commissioner by the party terminating such bond in order to effect its termination.

"(e) Whenever the commissioner finds that any bond required under this section is inadequate, such bond, upon notice from the commissioner, shall be increased to meet the requirements of this section or, in like manner, may be reduced if found to be in excess of the requirements of this section; provided, however, that the amount of such bond shall not be increased or reduced by the commissioner, nor shall the amount of any bond be increased under authority of subsection (a) of this section unless and until the state board of ag-

riculture and industries adopts and promulgates rules and regulations prescribing the conditions under which bond increases or reductions will be required by the commissioner. Such rules and regulations shall prescribe a uniform method and procedure to be followed by the commissioner in determining the amount of any bond increases or reductions that may be ordered by the commissioner because of being inadequate or excessive. All such bond increases and reductions as ordered by the commissioner as authorized under this subsection shall be reviewed by the board at its next quarterly or special call meeting for the purpose of determining whether the action of the commissioner in requiring an increase or reduction in the amount thereof is in compliance with the rules and regulations as prescribed by the said board for this purpose.

"(f) A bond equivalent may be filed or maintained in lieu of a bond. A bond equivalent shall be in the form of a trust fund agreement based upon cash or fully negotiable bonds of the United States government or of the state of Alabama. All provisions of this section relating to making, executing, filing and maintaining bonds on file with the commissioner shall be applicable to such trust fund agreements.

"(g) Every person engaged in the business of a dealer, as defined in section 2-15-131, shall furnish annually and at such other times as the commissioner may designate or request verified financial statements and reports showing the volume and value of livestock purchased in Alabama and the names and addresses of all employees authorized to purchase livestock for such person and shall keep such books and records as the commissioner may require as being reasonably necessary to carry out the provisions and requirements of this section, and the commissioner or his duly authorized agent or agents shall have access to such books and records during the regular business hours of any business day for the purpose of examination, inspection, audit or investigation of such dealer's operations. Any person who submits false information in making any report required under this subsection or who refuses the commissioner or his authorized agent access to such books and records as are required to be kept under this subsection shall be subject to the provisions of section 2-15-136.

"(h) Every person engaged in the business of a dealer, as defined in section 2-15-131, shall make full payment of the amount of each purchase of livestock to the person from whom such purchase was made not later than the close of the next business day following the date of such purchase; however, dealers engaged in the business of buying catfish shall make such payment not later than the close of 10 business days following the date of such purchase of catfish.

"(i) Every person engaged in the business of a dealer as defined in section 2-15-131(5) shall, with regard to any purchase of livestock made by such dealer at a livestock market regulated by sections 2-15-60 through 2-15-71, be liable for the payment of the amount of each such livestock purchase made by such dealer whether the purchase was made by the dealer on his own account or as an agent for another, and with respect to such livestock purchases made as an agent for another, such liability shall exist without regard to the fact that the other party for whom the purchase was made shall also be liable for the payment of the amount of such purchase."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The provisions of this act are severable. If any part of the act is declared unconstitutional, such declaration shall not affect the part which remains.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-798 S. 82—Senator Teague

AN ACT

To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, which provide for discounts on motor fuel taxes allowed to distributors, so as to provide further for said discounts.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-17-38 and 40-17-221, Code of Alabama 1975, are hereby amended to read as follows:

"§ 40-17-38.

"The commissioner of the department of revenue is hereby authorized and directed to allow refiners, storers, distributors or wholesalers, as defined by section 40-17-30, who have been licensed by the department of revenue under the provisions of section 40-12-191, and who have made bond, as is required under section 40-12-194, a discount in an amount equal to two percent of the first $5,000.00 of tax paid and one percent of all amounts of tax paid in excess of $5,000.00 under the provisions of section 40-17-31, as amended, and section 40-17-220, as amended, not to exceed in any case $400.00 on taxes paid in any one month, the amount of said discount being for the purposes of partially defraying the costs to

such licensed and bonded refiners, storers, distributors or wholesalers or making reports to the department of revenue and of maintaining complete and accurate records to the reporting and paying of this tax. Whoever defaults in reporting and paying such taxes when the same become due and payable to the state shall not be allowed a discount under this section.

The commissioner of the department of revenue shall allow distributors or wholesalers, as defined in section 40-17-30, who have been licensed by the department of revenue under the provisions of section 40-12-191, and who have made bond, as required in section 40-12-194, and who remit their state gasoline taxes based on receipts, a discount in an amount equal to two percent of all amounts of gasoline taxes paid under the provisions of section 40-17-31, as amended, and section 40-17-220, as amended, the amount of said discount, which shall not exceed $500.00 per month, being for the purpose of partially defraying the cost of losses in volume due to the evaporation shrinkage incurred in the handling of gasoline by such licensed and bonded distributors or wholesalers as defined in this article. The commissioner of revenue is authorized and directed to promulgate reasaonable rules and regulations to effectuate the purposes of this section."

"§ 40-17-221.

"(a) The provisions of this article pertaining to gasoline and the tax herein levied on gasoline shall be administered and collected in accordance with sections 40-17-30; 40-17-32 through 40-17-37; 40-17-38, as amended; 40-17-39 through 40-17-49; 40-17-52; and 40-17-220.

"(b) The provisions of this article pertaining to motor fuel and the tax herein levied on motor fuel shall be administered and collected in accordance with sections 40-17-1; 40-17-3 through 40-17-12; 40-17-14 through 40-17-20.

"(c) The provisions of this article pertaining to lubricating oil and the tax herein levied on lubricating oil shall be administered and collected in accordance with sections 40-17-170; 40-17-173; 40-17-176 through 40-17-186."

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-799

H. 64—Reps. Zoghby, Clark (W), Kvalheim, Gaston

AN ACT

Relating to Mobile County, to amend further Section 5 of an Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876 which regulates public schools in the County, as last amended by Act No. 480, S. 485, 1969 Regular Session (Acts 1969, p. 937), which relates to the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of an Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876, which regulates schools in Mobile County, as last amended by Act No. 480, S. 485, Regular Session 1969 (Acts 1969, p. 937) is hereby amended further to read as follows:

"Section 5. Be if further enacted that the said Board of School Commissioners shall be entitled to receive, levy, assess and collect all devises, revenues and taxes to which they were by law entitled at the date of the organization of the Board of Education of the State of Alabama; and that they shall have full power to continue in force, revise, modify and approve, as to them may see fit, the public school system now existing in the County of Mobile, and to make such by-laws, rules and regulations, not inconsistent with the laws of the State and of the United States, for the government of the Board and of said schools, as they may deem expedient or necessary. They shall hold regular meetings of the said Board at such times as they may fix upon and adjourned or special meetings when necessary. Three members of the Board shall constitute a quorum for the transaction of business, but no business involving a change in the system, rules and regulations or affecting the general interest of the County shall be transacted except at a regular meeting, after due notice given, or when a full Board is in attendance. The said Board shall be a body corporate; and may have a common seal; may sue and contract; may, when the Board deems such desirable, appoint or employ attorneys and pay to them agreed compensation in such manner or fashion as may to the Board seem best; shall have the power to purchase or lease such property for school purposes as in their judgment may be necessary for the proper accommodation and comfort of pupils and teachers, and fix the compensation and bonds of pupils and teachers, and fix the compensation and bonds of its officers, agents and employees, and change the same at pleasure; provided that the sum or sums so expended shall not exceed, in any one year, twenty per centum (20%) of the income of said Board; and provided further that said 20% limitation shall have no application to sums expended for the constructing, furnishing or equipping of school buildings.

The said Board shall also have power to sell or exchange any of said property—the Barton Academy buildings and property only excepted—provided that when the value of such property shall not exceed five thousand dollars, four of the members of the said Board shall vote in favor of the sale, and when the value exceeds five thousand dollars, the sale, to be valid, shall receive the unanimous vote of said Board and be approved by the Judge of Probate of Mobile County. The said Board shall also have power to let any property which it may own in fee simple; and any property of which, though not owned by it, the Board shall have the statutory right and power of direction, management and control; for any term or period that may seem to the Board, in the exercise of sound discretion, proper, not exceeding ninety-nine (99) years, provided, however that the Barton Academy buildings and property are excepted from the said power to let, and provided further, that if the lease be for a term exceeding fifty (50) years and not exceeding ninety-nine (99) years, and the value of such property shall exceed five thousand ($5,000.00) dollars, the lease to be valid, shall receive the unanimous vote of the said Board and be approved by the Judge of Probate of Mobile County; and provided further that the restriction of touching the necessity for unanimous vote of the Board and approval by the Probate Judge, shall not apply to any leases that may have been made prior to the first day of June, 1969, nor to any leases that may be made to land in Section 16 in Township 4 South of Range 2 West in Mobile County. The said Board shall also have the power to effect and take insurance upon its property and against all risks and hazards, whether of loss or damage to its property, or of risks and claimed liability as for asserted damage to others, whether of like kind with insurance upon property or not, and including any and every kind, character and description of insurance that may be affected, taken or carried by a private person or corporation for protection against risks now coverable by any kind of insurance, or that may hereafter be coverable by any kind of insurance under the law and in accordance with the practice of underwriting; in effecting and taking such insurance and cause itself to be insured in any class, type or kind or insurance company, including mutual insurance companies, that, in the discretion of the Board, may seem to it wise, expedient or proper; provided, however, that nothing herein contained shall affect, overcome, or supersede the provisions of sections 41-15-1 through 41-15-12 of the Code of Alabama of 1975. The said Board shall have the power also, in the exercise of reasonable prudence, to invest funds derived from the sale of capital outlay warrants and held pending the expenditure thereof for the contemplated capital improvements, and funds from any other source accumulated and held in advance of expenditure by the Board in the operation of public schools of the county, in obligations of the

United States of America, whether interest bearing obligations or obligations purchased at discount. The said Board shall have the power also to employ and pay guards, watchmen, security personnel, or other functionaries by whatever name called to preserve the grounds, school buildings and other structures of any character that belong to or are in possession and are under the control of the Board of School Commissioners of Mobile County; from trespass, vandalism, theft, fire or damage of any character; whether or not of like kind with those just stated, with the authority to use such force as may be reasonably necessary in the performance of their duties under and pursuant to their employment under the authority of this Act."

Section 2. If any part of this act is declared invalid or unconstitutional, such declaration shall not invalidate the remaining parts.

Section 3. All laws or parts of law in conflict herewith are repealed.

Section 4. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 13, 1984

Time: 5:00 P.M.

Act No. 84-800

H. 86—Rep. Butler

AN ACT

To amend Section 17-4-156 of the Code of Alabama 1975, relating to sessions of boards of registrars and working days for such boards, so as to provide that such sessions and working days shall be based on the fiscal year beginning October 1, 1984, and thereafter.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-4-156 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 17-4-156. Sessions of boards; working days of registrars; special registration sessions.

"(a) Each board of registrars in the counties of Autauga, Bibb, Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dale, Dallas, Escambia, Geneva, Hale, Henry, Lamar, Lawrence, Limestone, Lowndes, Marengo, Perry, Pike, Sumter, Talladega, Tallapoosa, Walker, Washington and Wilcox may meet a maximum of 120 session days each fiscal year beginning October 1, 1984, and thereafter, each board of registrars in the counties of Bar-

bour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Randolph, St. Clair and Winston may meet a maximum of 168 session days each fiscal year beginning October 1, 1984, and thereafter; each board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Randolph, St. Clair and Winston may meet a maximum of 168 session days each fiscal year beginning October 1, 1984, and thereafter; each board of registrars in the counties of Franklin, Houston, Marshall, Bullock and Macon may meet a maximum of 216 session days each fiscal year beginning October 1, 1984, and thereafter; and the boards of registrars in the counties of DeKalb, Elmore, Jackson, Russell and Shelby may meet a maximum of 120 registration days each fiscal year beginning October 1, 1984, and thereafter. On any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board to receive applications, administer oaths and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this subsection. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.

"(b) In the counties of Chilton, Choctaw, Coffee, Colbert, Cullman and Monroe, the board of registrars may meet a maximum of 168 session days each fiscal year beginning October 1, 1984, and thereafter. On any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths and perform the clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this subsection. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.

"(c) The board of registrars of Etowah county may meet a maximum of 150 session days each fiscal year. On any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this subsection. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.

"(d) The counties of Baldwin, Calhoun, Jefferson, Madison, Mobile, Montgomery, Morgan and Tuscaloosa, which are now operating under the provisions of local bills, shall be exempted from the provisions of this section. Provided, however, that where the words 'each year' are used in such local acts such words shall means 'each fiscal year beginning October 1, 1984, and thereafter.'

"(e) The actual number of session days shall be determined by a quorum of the board according to the needs of the county.

"(f) As many as 25 session days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.) which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-801 H. 208—Rep. Campbell

AN ACT

To amend Section 3 of Act 83-925, S. 11, 1983 Fourth Special Session (Acts of Alabama 3rd and 4th Special Sessions 1983, p. 207) which authorizes a bond issuance by the state industrial development authority and to provide certain additional powers and duties of the authority, so as to authorize the authority to make certain grants of money to economic development councils.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act 83-925, S. 11, Fourth Special Session 1983 (Acts of Alabama 3rd and 4th Special Sessions 1983, page 207) is hereby amended to read as follows:

"Section 3. Authorization to Make Grants of Money. The Authority is hereby authorized to make grants of money derived from the sale of the bonds to counties, municipalities and local industrial development boards or economic development councils organized as

public corporations in the state for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable industrial sites in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (3) the preparation of industrial sites; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

"Every grant of money made by the Authority, any part of which is made from the proceeds of the bonds, shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable, and may be enforced by the Authority, in any court of competent jurisdiction:

"(a) No such grant shall be in an amount greater than the total of the following stated per centums of the costs that it is anticipated will be expended for the construction and equipment of the facilities that will occupy the industrial site with respect to which the grant is made, as such anticipated costs shall be certified to the Authority by a registered architect or a registered engineer or by the chief executive officer of the body to which the grant is made: Six per centum (6%) of the anticipated cost for the construction and equipment of facilities that will occupy said site when such costs are $100,000 or less; five per centum (5%) of the anticipated cost when such anticipated cost exceeds $100,000 but does not exceed $200,000, but in no event shall the grant be less than $6,000; four per centum (4%) of the anticipated cost when such anticipated cost exceeds $200,000 but does not exceed $400,000, but in no event shall the grant be less than $10,000; three per centum (3%) of the anticipated cost when such anticipated cost exceeds $400,000 but does not exceed $800,000, but in no event shall the grant be less than $16,000; two per centum (2%) of the anticipated cost when such anticipated cost exceeds $800,000, but does not exceed $1,600,000, but in no event shall the grant be less than $24,000; one per centum (1%) of the anticipated cost when such anticipated cost exceeds $1,600,000 but does not exceed $10,000,000, but in no event shall the grant be less than $32,000; three quarters of one per centum (¾%) of the anticipated cost when such anticipated cost exceeds $10,000,000 but does not exceed $20,000,000, but in no event shall the grant be less than $100,000; provided, however, that the total of any grant so made shall not exceed $150,000;

"(b) No such grant or grants shall be made for any part of the anticipated costs of the preparation of an industrial site, and if made shall not be used, in any case where any individual, private association or private corporation has received or is to receive an

option to purchase the industrial site with respect to which the grant is made (as distinguished from improvements to be constructed on such site which are not to become a part of the site on which such improvements are to be constructed), or any part of any thereof, from the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial site;

"(c) The Authority shall have power to audit the disbursements by the grantees from such grant or grants; and

"(d) The Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-802 H. 73—Rep. Zoghby

AN ACT

Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the City of Mobile Reception Room Committee for furnishing the Mobile City Hall reception room, from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1984, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1984, upon the effective date of this act, the sum of $5,000 shall be appropriated to the City of Mobile Reception Room Committee, established pursuant to resolution of the City Commission in 1982, for the purpose of furnishing the Mobile City Hall reception room, from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Section 2. The sum herein appropriated shall be in addition to any and all other funds heretofore or hereafter appropriated or distributed to the City of Mobile.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-803 H. 33—Rep. Faulk

AN ACT

Relating to Butler County; to provide for the distribution of certain beer tax proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, in Butler County, the proceeds of the beer tax collected pursuant to Section 28-3-190, Code of Alabama 1975, shall be paid and distributed as follows:

a. All taxes collected on sales within the corporate limits of a municipality shall be paid to the municipality who shall, after deducting 3% for administering the tax, distribute 33% to the Butler County Board of Education, and retain the balance for the General Fund of the municipality.

b. All taxes collected on sales outside the corporate limits of a municipality shall be paid to the Butler County Commission, who shall, after deducting 3% for administering the tax, distribute 33% to the Butler County Board of Education, and retain the balance for the General Fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective after October 1, 1984, or immediately upon its passage and approval by the Governor if passed and approved after that date.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-804 H. 179—Reps. Carter, Clark (D)

AN ACT

Relating to Limestone County; to provide for appointment of a county license commissioner by the county commission in lieu of the county license commission authorized by Act No. 746, H. 757 of the 1978 Regular Session (Acts 1978, p. 1089); to prescribe the duties, compensation and term of such commissioner; to abolish the office of county license inspector and transfer such duties to the newly appointed license commissioner; to provide that such commissioner shall perform certain duties heretofore performed by the tax assessor, tax collector and judge of probate; to prescribe certain fees, charges and commissions to be collected by such commissioner and provide for disposition of the proceeds thereof; to provide for certain reports relating to such collections and to prescribe certain penalties for violations relating to licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The Limestone county commission is hereby authorized and empowered to appoint in lieu of the county license commission authorized under Act No. 746, H. 757 of the 1978 Regular Session (Acts 1978, p. 1089) a county license commissioner, who shall be subject to the rules and regulations of the county merit system, except that said commissioner shall serve at the pleasure of the county commission. Any vacancy in such license commissioner's office shall be filled in like manner to the original appointment. The county commission shall set the license commissioner's salary at an amount not to exceed $25,000.00 per annum payable from funds collected by his office.

Section 2. The county license commissioner shall have an official seal of office and shall maintain a permanent office in the county. Before commencing the duties of his office, the county license commissioner shall take the oath prescribed by Constitution of the State of Alabama, and shall execute bond in such penal sum as prescribed by the county governing body, giving as surety thereon a bond issued by a bonding company authorized to do business in this state. The bond shall be conditioned as other official bonds, shall be approved by the county commission, and shall be filed and recorded in the office of the judge of probate of Limestone County. A certified copy of such bond shall be furnished by said judge to the state comptroller. All premiums on said bond shall be paid from the general fund of the county.

Section 3. The county commission shall furnish suitable quarters for the county license commissioner, and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery, forms and supplies as are furnished pursuant to law by the state department of finance, the state comptroller, or otherwise. The county commission shall also provide such clerks,

deputies and other assistants for said commissioner as shall be necessary from time to time for the proper and efficient performance of the duties of the office. The commissioner shall recommend employment and discipline, subject to commission approval, of such clerks, deputies and other assistants. The number and compensation of such clerks and other assistants shall be subject to the approval of the county governing body. The compensation of the clerks, deputies and assistants shall be paid monthly out of the general fund of the county in the same manner as other county employees are paid.

Section 4. The county license commissioner shall recommend to the commission a chief clerk who shall, in the absence of the commissioner, exercise the same powers and authority herein granted to the commissioner. Such chief clerk before entering upon his duties, must take the oath directed to be taken by the constitutional officers of the state and give bond payable to the commissioner in such sum as he may prescribe conditioned upon the faithful performance of his duties. The surety on such bond shall be a bond issued by a bonding company authorized to do business in this state. Such bond shall be approved by the commissioner, filed and recorded in the office of the judge of probate. The premiums on this bond shall be paid out of the general fund of the county.

Section 5. The county license commissioner shall perform all duties relative to the assessment and collection of taxes on motor vehicles in such county, which have heretofore been performed by the tax assessor and tax collector. Said commissioner shall also issue all motor vehicle license tags and driver's license, collect for and issue all other licenses for exercising any right or privilege for which a license is now or hereafter may be required by law to be paid to the state of Alabama or the county, except marriage licenses, and may perform all the duties required by the general law of judges of probate relative to notations on license stubs of the transfer of ownership of motor vehicles, and the replacement of lost or mutilated license tags and driver's licenses, and the notation of change of location of business on privilege licenses and stubs. The tax assessor and tax collector of Limestone County are hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes on such motor vehicles, and the judge of probate is hereby relieved of all duties and responsibilities relative to issuance of motor vehicle licenses, driver's licenses and privilege licenses and all other licenses except marriage licenses.

Section 6. Before any person, firm or corporation shall engage in or carry on any business activity or other non-business activity in the county for which a license is required by law, a license for such activity must be purchased from said commissioner and he shall be entitled to charge a fee, not to exceed $2.00 for the issuance

of such license, as shall be determined by the county commission. All costs, fees and penalties which shall have accrued or for which person, firm or corporation shall have become liable in any proceeding commenced for the collection of same shall be paid before any such license is eligible for renewal. Said commissioner shall issue the license countersigned by him in the form and on the blank furnished to him by the state department of finance which shall set forth and specify the name of the person, firm or the corporation applying therefor, the business or activity which it proposes to carry on thereunder, the address where it proposes to carry on the same, the time for which it is issued and if the license is for a peddler, it shall state whether he proposed to travel on foot, on horseback or on wagon or on motor vehicle. Such license shall not be transferable except as otherwise provided by law, nor shall it entitle the holder thereof to carry on any other business or do any other act other than that named therein at any other location than that specified; provided, however, that should it become necessary to move any business from one location to another location in said county, and such business is to continue in the same kind and character and by the same person or firm as that carried on at the former location, then, another license shall not be required for the same license year.

Section 7. In all cases where the amount to be paid for a license depends upon the amount of capital invested or the true value or property or real estate or the value of goods or stock, or the amount of sales and receipts, or any other facts or condition, it shall be the duty of the person applying for such license to render to said commissioner a sworn statement of the amount of the capital invested, the true value of the property or real estate or the value of the stock, the amount of sales and receipts, and such other information as may be required by said commissioner to determine the character of the license and the amount to be paid for the same.

Section 8. The county license commissioner shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition made of them, and of all monies received, licenses issued by him, and make report thereof to the state comptroller at the same time and in the same manner that the judges of probate are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that judges of probate are required by law to account for such.

Section 9. Except as hereinafter provided, the county license commissioner shall be entitled to charge and collect the same fees that are prescribed in the general law for like service when performed by the tax assessor, tax collector, judge of probate or the license inspector. For the performance of duties relative to the issu-

ance and handling of, and/or the recordings of the transfer of the ownership of motor vehicles as prescribed by law, said commissioner shall charge and collect a fee of $2.00. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by law.

Section 10. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the county license commissioner until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said commissioner. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama, shall first return such motor vehicle for ad valorem taxation to said commissioner who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 11. Before any vehicle can be assessed, the county license commissioner shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said commissioner shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle, the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said commissioner shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October, except that taxes thereon shall be assessed on a quarterly basis as follows:

1. Motor vehicles brought into the state or sold from stock after the first day of October, but before the first day of January next

following, shall be subject to taxation the same as if held or owned in the state on the first day of October.

2. Motor vehicles brought into the state or sold from stock after the first day of December, and before the first day of April next following, shall be subject to taxation for three quarters of the tax year.

3. Motor vehicles brought into the state or sold from stock after the last day of March, and before the first day of July next following, shall be subject to tax for one-half of the tax year therefor.

4. Motor vehicles brought into the state or sold from stock after the last day of June, but before the first day of October next following, shall be subject to tax for one-fourth of the tax year.

The county license commissioner, in addition to assessing and collecting the ad valorem tax due the state and county on motor vehicles shall collect such tax due all cities in such county and he shall report and pay over the money collected for such cities at the same time and in the same manner as state and county licenses are reported and paid over by him. Said commissioner shall receive and deposit in the county general fund, a commission of 10% for assessing and collecting such taxes and shall deduct said commission from the amount collected before paying the city treasury. Said commissioner shall not issue a license to operate a motor vehicle on the highways of this state until all ad valorem taxes due the state, county and city have been paid for the preceding tax year.

Section 12. After the 1st day of January 1983, motor vehicles shall not be included in any other assessment made by any person, firm or corporation under the provisions of the Code of Alabama, 1975, and any such motor vehicle shall not be considered as escape property by reason of failure to include the same in any tax return as of the first day of October 1983, or any subsequent year. All motor vehicles shall be assessed and the taxes thereon shall be collected solely as herein provided.

Section 13. The state comptroller, the state department of revenue, the state department of finance, and state department of conservation and natural resources are hereby required to furnish to the county license commissioner all books, records and blanks now or hereafter required by law to be furnished to judges of probate, tax assessors and tax collectors in connection with the performance of their duties in the issuance of automobile license plates and the assessment and collection of ad valorem tax thereon, and in connection with the performance of their duties relative to the issuance of privilege licenses and all other licenses.

Section 14. The county license commissioner shall take ap-

plications for driver's licenses or renewals thereof, temporary driver permits and other motor vehicles operator's licenses and give receipts for the fees paid therefor. All such applications shall be handled in every respect as prescribed in the Code of Alabama, 1975. The same fees and charges may be collected and remitted in the manner therein and herein prescribed, except that issuance fees therein prescribed for the judges of probate or other issuing officials shall be collected for the use of the county and shall be paid into the general fund in the county treasury at the same time that other monies due the county under this act are paid.

Section 15. The county license commissioner shall take applications for replacement of motor vehicle license tags which have been lost, destroyed or mutilated, and forward such application to the state department of revenue in the same manner that judges of probate or license inspectors are directed to do under the Code of Alabama, 1975. For services in this connection, he shall charge and collect the same fees prescribed herein. Such fees, less the amount required by said code, sent with the application to the state department of revenue, shall be the property of the county and shall be paid into the general fund of the county at the same time that other monies due the county pursuant to this act are paid.

Section 16. On or after the first day of each month, but not later than the last day of each month preceding the month in which the license is due, the county license commissioner may mail a form requesting the information hereinafter specified to all owners of motor vehicles and/or privilege licenses listed as such in the license records. Such form shall be provided by the state department of revenue and shall contain spaces for the name and address of the owner of the motor vehicle, the make, the model and serial number of the vehicle and such other information with respect thereto as the department of revenue may prescribe. The form shall also contain a space for the correct amount of the ad valorem taxes (state, county, school district and municipal), the amount of the motor vehicle license due thereon, the issuance fee and the mailing fee provided for herein; it shall also contain a space for the owner to fill in his present address if different from that shown in the application form and a space for his signature. The form shall be filled in by said department with the name and address of the owner, the description of the motor vehicle, the license tax and fees to become due as so noted or otherwise shown on the license registration and transfer records, and the amount of ad valorem tax due on said motor vehicle for the preceding tax year. Said commissioner may then cause the application form so filed to be mailed to the owner of the motor vehicle at his address shown thereon, or to the address which said owner requests that the application form be mailed to. The owner of

the motor vehicle, if he is still the owner of the motor vehicle, and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor registration tag by mail, shall sign the application form, indicating thereon any change of address and return the same by mail with his remittance for ad valorem taxes, license taxes and fees as shown thereon to the commissioner. Money orders and checks for the payment of such taxes shall be made payable to the county license commissioner and upon receipt of the signed application form and remittance and collection for the amount properly due for ad valorem tax and fees, the county license commissioner shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof. When an application form is returned to said commissioner unsigned or with less than the correct amount of the taxes and fees, such form shall be returned to the owner for correction or for signature. A return of such application or remittance shall not be construed as a time extension for such payment. An additional fee equal to the original fee for issuance, handling, recording, and/or transfer shall be charged for aforementioned returns. Failure of the county license commissioner to provide notification as provided herein shall not relieve the motor vehicle owner of the responsibility of procuring his license and tags as otherwise required by law.

Section 17. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the county license commissioner, on or before the last regular work day before the 20th day of each month, and said commissioner shall mail such tag not later than the end of the same month. Said commissioner shall charge and collect a fee, not to exceed $3.00, for each month vehicle tag issued by mail, in addition to all other fees prescribed by law. Such additional fees shall be paid by the owner of the motor vehicle with his mailed request for license tags and such fees collected by said commissioner shall be paid into the general fund of the county. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided, shall be paid from the general fund of the county upon warrants signed by said commissioner and approved by the county commission. The procedure authorized by this act for the payment of ad valorem tax and motor vehicle license tax and the issuance of license tags shall be an optional alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive a tag in person without payment of a mailing fee.

Section 18. Every purchaser of a motor vehicle shall, within 10 calendar days after the purchase, transfer said vehicle with the office of the county license commissioner. Failure to do so shall re-

sult in a penalty, not to exceed $10.00, as set by the county commission. This penalty shall be remitted by the collecting authority to the county general fund.

Section 19. All records in the custody of the judge of probate, the tax assessor and tax collector relating to the duties herein imposed upon said commissioner shall, upon the effective date of transfer of these duties, as determined by the county commission be delivered to the office of the county license commissioner.

Section 20. The office of license inspector for Limestone County is hereby abolished. Thereupon, the county license commissioner shall become the ex-officio license inspector of the county. He shall perform all the duties required by law of the license inspector. Said commissioner and such other assistants as are duly authorized by him, shall have the same powers and authority as license inspectors have under the general law. For performing the duties of license inspector required by this act, said commissioner shall be entitled to charge and collect the same fees, costs, penalties and commissions as license inspectors have heretofore been authorized by law to charge and collect. All such monies collected by said commissioner shall be paid into the general fund of the county.

Section 21. The county license commissioner is hereby authorized to charge $1.00 per page or fraction of a page, to be paid into the county general fund, for copying any document or instrument which is on record in his office and if such copy is to be certified, he shall charge an additional $1.00 for certifying the same.

Section 22. The county license commissioner shall keep a ledger showing the amount of money collected each day for each service performed and such book shall be open at all times to inspection by the county commission. On or before the 20th day of each month, said commissioner shall furnish the county commission a full report of all monies collected and the disposition thereof.

Section 23. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. All laws or parts of laws which conflict with this act are hereby repealed.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-805

S. 14—Senators Menton, Mitchem, Denton, Corbett, Goodwin, and Teague

AN ACT

To provide that certain legislative employees shall be eligible to participate as members in the state employees' retirement system of Alabama and in the state employees' health insurance plan; to provide the eligibility of such employees and contributions required from the employee and employer; to permit certain such legislative employees to purchase certain prior creditable service on a pro rata basis for the retirement system and the terms therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Any provision of Title 36, Chapter 27, or of Title 36, Chapter 29, Code of Alabama 1975, as amended, to the contrary notwithstanding, any legislative employee who has worked during at least the five regular sessions of the legislature since 1979 or who shall work during five consecutive regular sessions of the legislature, and who is termed "temporary employee" shall be considered a full time employee of the State of Alabama and shall be covered as a member of the state employees' retirement system and the state employees' health insurance plan. Provided, however, such coverage shall continue as if such person is employed full time; such employee shall pay the full health insurance charge during the time such employee is not on the legislative payrolls but remains eligible to continue employment during the next regular or special session of the legislature. During any legislative session such legislative employee is employed the applicable contributions to the state employees' retirement system and to health insurance coverage for dependents, if any coverage is had for such dependents, shall be deducted from the employee's pay in the same manner as for full time state employees. Employer cost shall be paid from funds appropriated to the legislature.

Section 2. (a) Any legislative employee, who is eligible to participate in the state employees' retirement system or to participate in the state employees' health insurance program, either as a regular full time legislative employee (including but not limited to Legislative Reference Service personnel) or pursuant to Section 1, shall be entitled to purchase prior service which shall be based on a pro rata basis on the number of months worked during any calendar year. There shall be no penalty for interruption of service based on the legislature being out of session or of the employee not being employed in any special session; provided, however, such employee shall be ineligible to buy any time not otherwise qualified for during any other period. The eligible legislative employee shall purchase

such time by paying the amount he would have contributed had he been allowed to become a member when the service was rendered.

(b) Any employee who purchases creditable service pursuant to Section 2(a) shall pay the full amount within two years after becoming eligible to participate pursuant to Section 1 of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-806 H. 113—Rep. Campbell

AN ACT

To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401 (k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash or of employer contributions for an employee for an annuity contract (as provided in 26 USCA 403 (b)); to provide the provisions of this act shall be construed in pari materia with other law of parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Any law, rule or regulation to the contrary notwithstanding relating to the inclusion or exclusion as gross income of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401 (k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash or of employer contributions for an employee for an annuity contract (as provided in 26 USCA 403 (b)), the legislature intends that the provisions of this act shall supersede any such law, rule or regulation.

Section 2. Section 40-18-14 of the Code of Alabama 1975 is hereby amended as follows:

Section 40-18-14. Gross income of individuals. The term "gross income" as used herein:

(1) Includes gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind, or in whatever form paid, including the salaries, income, fees and other compensation of state, county and municipal officers and employee, or from professions, vocations, trades, business, commerce or sales, or dealings in property whether real or personal, growing out of ownership or use of or interest in such property; also from interest, royalties, rents, dividends, securities or transactions of any business carried on for gain or profit and the income derived from any source whatever, including any income not exempted under this chapter and against which income there is no provision for a tax. The term "gross income" as used herein also includes alimony and separate maintenance payments with the amount of such included income to be the same as that included in gross income for federal income tax purposes under 26 USCA 71 (relating to alimony and separate maintenance payments) as in effect January 1, 1982. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer unless under the methods of accounting permitted in this chapter any such amounts are to be properly accounted for as of a different period; but

(2) Does not include the following items which shall be exempt from income tax under this chapter:

a. Amounts received under life insurance policies and contracts paid by reason of the death of the insured;

b. Amounts received, other than amounts paid by reason of the death of the insured, under life insurance endowment or annuity contracts, either during the term or at maturity or upon surrender of contracts, equal to the total amount of premiums paid thereon;

c. The value of property acquired by gift, bequest, devise or descent, but the income from such property shall be included in the gross income;

d. Interest upon obligations of the United States or its possessions; or securities issued under provisions of the Federal Farm Loan Act of July 18, 1916; or bonds issued by the war finance corporation;

e. Any amounts received by an individual which are excludable from gross income under 26 USCA 104 (relating to compensation for injuries or sickness) or 26 USCA 105 (relating to amounts re-

ceived under accident or health plans), both as in effect on January 1, 1982.

f. Interest on obligations of the state of Alabama and any county, municipality or other political subdivision thereof;

g. The rental value of a home furnished a minister of the gospel as a part of his compensation, or the rental allowance paid to him as part of his compensation, to the extent used by him to rent or provide a home; or

h. For each individual resident taxpayer, or each husband and wife filing a joint-income tax return, as the case may be, any gain realized from the sale of a personal residence of such taxpayer, with the amount of such excluded income, except as provided herein, to be the same as that allowable for federal income tax purposes under 26 USCA 1034 (relating to rollover of gain on sale of principal residence), as in effect July 20, 1981 and 26 USCA 121 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55), as in effect July 20, 1981 if the election provided for therein is made by such taxpayer for federal income tax purposes, or in the event federal law no longer provides for such election, if the election is made in the manner prescribed by the commissioner of revenue. The term "new residence," as such terms is made relevant hereto by the federal statutes, means and includes only property located within the state of Alabama. The commissioner of revenue is authorized to make any rules and regulations necessary to carry out the provisions of this paragraph.

i. Contributions made by an employer on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401 (k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash and contributions made by an employer for an employee for an annuity contract, which contributions would be excludable from the gross income (for Federal income tax purposes) of the employee in accordance with the provisions of 26 USCA 403 (b).

(3) The term "gross income" shall mean and include all of such income arising from sources within and without the state whether paid to residents or nonresidents, including interest on bonds, notes or other interest-bearing obligations of residents, corporate or otherwise, and all amounts received, although paid under a contract for the sale of goods or otherwise, representing profits in the manufacture and disposition of goods within or without the state of Alabama. It shall also mean and include interest, dividends, except stock dividends as defined herein, or other forms of income from and gains of profits realized upon the sale, exchange and other

disposition of all forms of intangible personal property owned by or held anywhere within or without the state of Alabama for the account of any resident or domestic corporation."

Section 3. The provisions of this act shall be construed in pari materia with all laws or parts of laws relating to income tax exclusions except those laws or parts of laws which directly conflict herewith.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall become effective for tax years beginning January 1, 1985 and thereafter following passage and approval by the Governor or upon otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-807 H. 107—Reps. Clark (W), Buskey (James)

AN ACT

To further provide for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171 of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 24, which created the Water Works and Sewer Board of the City of Prichard (hereinafter referred to as the board) and The Water Works and Sewer Board Employees' Pension and Relief Fund; provided for the setting apart of such funds; created a pension and relief system applicable to all permanent employees of such board; provided for appropriation from the board to make up any deficit in Pension and Relief Fund; provided for the placement and handling of such funds and the handling of applications therefor and operation of such system; exempted such funds from being subject to garnishment or levy or sale under execution or otherwise; provided payment for disabled and retired employees of such board; provided for the appropriation for funeral expenses upon the death of any employee of the board; provided for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a Board of Pensions for all purposes in connection herewith; provided penalties for the violations of its provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 161, S. 171 of the 1957 Regular Session, (Acts 1957, p. 210), Sections 1 through 24, is hereby amended to read as follows:

"Section 1. There is hereby created the Water Works and Sewer Board of the City of Prichard (hereinafter referred to as the board), and special funds to be known as 'The Water Works and Sewer Board Employees' Pension and Relief Funds,' which shall ex-

ist and be maintained for the benefit of the persons hereinafter referred to and shall be derived and raised in the manner hereinafter provided.

"Section 2. Such funds shall be set apart by the Superintendent of the Board, or such person as may be designated by the superintendent, into separate funds and shall be held and maintained by the board as hereinafter provided.

"Section 3. There shall be a pension and relief system which shall apply to and include all permanent employees of the board, which such pension and relief system shall be administered through a fund to be known as The Water Works and Sewer Board Employees' Pension and Relief Fund, as provided for herein, which such fund shall be derived and raised, received, obtained, and created, although not exclusively, in the following manner:

"By payment into the fund by the board a monthly amount equal to twenty-one and one-half percent (21.5%) of the total salary or other compensation of each employee of the board covered by this act, five percent (5%) of which shall be held and deducted by the board from the salary or compensation of each employee covered, and the remaining sixteen and one-half percent (16.5%) shall be paid into the fund by the board from funds other than those derived from the five percent (5%) held and deducted from the salary or other compensation of the employees covered by this act.

"Section 4. Monies or other things of value may be donated to the fund by any person, firm, or corporation. Such donations or gifts may be outright, in which event the corpus thereof shall become a portion of the fund, or may be held in trust by the person or persons responsible for the operation of the fund, with the profits or income therefrom becoming a part of the fund.

"Section 5. All monies properly belonging to the fund shall be kept in a special account, or accounts, and may, in the discretion of the person or person charged with the duties of administering the fund, be invested in any securities provided by law to be suitable investments for trust funds. The mortgages, bonds, or other evidences of indebtedness shall be maintained and kept separate and apart from the other municipal securities; provided, that the board may employ the services of a National Bank in Mobile County to handle all matters relative to the investment of the funds designated hereunder.

"Section 6. Every permanent employee of the board shall come under the provisions and benefits of this act; provided, that no appointed members or officers of the board appointed by the legal appointing authority shall be entitled to the benefits hereunder.

"Section 7. An employee, who has properly documented honorable duty consisting of active full-time military service in the armed forces of the United States, exclusive of any summer or weekend service in a reserve or national guard component of any branch of the armed forces, shall be granted retirement service credit as if the service was actually performed for the board for the period of such service in the armed forces; provided that such an employee shall not receive retirement service credit for more than four (4) years of military service, and shall receive no credit for military service if such employee is receiving military service retirement benefits, other than disability allowances or benefits, from any branch of the United States armed forces, or by reason of any such service in any branch of the armed forces, or, if such employee received anything other than an honorable discharge for and including the military service.

"Section 8. The board shall hear and decide all applications for pensions and relief under this act and the decision upon such application shall be final and conclusive, and shall not be subject to review or reversal except by the board. The board shall cause a complete and separate record to be kept of all its meetings and procedures under this act.

"Section 9. Warrants drawn against the fund shall be signed and executed by the proper authorities of the board. Such warrants shall, however, be of a different color or otherwise distinguishable from other warrants of the board, and shall be kept separate and apart therefrom. No portion of said pension and relief funds shall, before or after its order for distribution, be seized and held or be in anywise subject to garnishment or levy or execution or attachment issued out or or by any court of this state or any other state, so far as the same may be sought to respond to the payment or satisfaction of any debt, damage, demand, claim, judgment, or decree against any beneficiary of such fund, but the same shall be totally exempt therefrom.

"Section 10. That if any employee of the board, while in the performance of his or her duties, becomes and is found to be temporarily totally disabled, mentally or physically, for services to the board, by reason of services therefor, the board shall order the payment of and there shall be paid from the proper fund herein provided for, to such disabled employee, and amount equal to fifty percent (50%) of the average compensation of such employee over the then past five (5) calendar years, whichever shall be the greater, during such total disability, which payment shall be made monthly or semi-monthly and for a period not longer than one (1) year; and such disability shall be arrived at by the board after report from a reputable physician, and after consideration of such other evidences,

medical or otherwise, which the board may desire to produce; this, provided such employee, during the same period is paid no salary as an employee of the board.

"Section 11. If any employee of the board, while in the performance of his or her duties, becomes or is found to be physically or mentally permanently disabled for services to the board, by reasons of services therefor, so as to render his or her retirement from such services necessary, the board shall make such necessary orders and shall retire such disabled employee from service and upon such retirement such member shall be paid, monthly or semi-monthly, from the fund an amount equal to sixty percent (60%) of his or her compensation at the time of such disability or an amount equal to sixty percent (60%) of the average compensation of such employee over the then past five (5) years, whichever shall be greater. Provided that such payments shall not continue for a period of longer than five (5) years; provided further that during such five (5) years such employee shall be considered an employee of the board for retirement purposes. Should any employee of the board who has retirement credit of as much as fifteen (15) years be found physically or mentally, totally or partially disabled through no misconduct on his or her part for services to the board, so as to render his or her retirement from such service necessary, the board shall make necessary orders and shall retire such disabled employee from service with the board, and upon such retirement said employee shall be paid, monthly, semi-monthly, from the fund an amount equal to fifty percent (50%) of his or her compensation at the time of his or her becoming disabled, or such disability being discovered, or an amount equal to fifty percent (50%) of the average compensation of such employee over the then past five (5) calendar years, whichever shall be the greater. Provided that such payments shall not continue for a period of longer than five (5) years; provided further that during such five (5) years such employee shall be considered an employee of the board for retirement purposes. Such employee may be called back and examined at any time under the orders of the board, and may be ordered back to active service in connection with the board, such as he or she is able to perform according to the instructions, findings, and orders of the board.

"Section 12. Any employee who has retirement credit of as much as twenty (20) years and whose employment has been terminated prior to his or her making application for retirement from service as a employee of the board shall be entitled to make application for retirement as an employee without medical examination or disability as if he or she were yet an employee of the board, provided such application is made in writing to the board within sixty (60) days from the date of his or her employment was terminated, and be

entitled to the benefits accorded by this act. In the event of the discharge without cause of any permanent employee who has retirement credit of at least ten (10) years such person shall, upon reaching the retirement age, or as hereafter provided, as the case may be, be entitled to and receive from the fund a sum equal to two and one-half percent (2 ½%) of his or her annual compensation at the time of his or her discharge, or two and one-half percent (2 ½%) of the average annual compensation of such employee over the then five (5) calendar years, whichever shall be the greater, for each year or major fraction thereof that said employee shall have acquired retirement credit at the time of dismissal.

"Section 13. Any employee of the board who is qualified hereunder and who has retirement credit of as much as twenty (20) years upon making written application to the board therefor, shall, without medical examination or disability, be retired from service of the board and upon such retirement the board shall direct the payment from the fund to such retiring employee, if he or she be then fifty-five (55) years of age or more, monthly or semi-monthly from such fund a sum equal to one-half (½) of the monthly compensation received by such employee as salary at the time of his or her retirement, or an amount equal to fifty percent (50%) of the average compensation of such employee over the then past five (5) calendar years, whichever shall be greater; provided, however, that such payments to said retired employee shall not commence or be effective until such employee shall have attained the age of fifty-five (55) years; unless, such employee shall elect at the time of retirement, or within sixty (60) days from the date of such retirement, to select an actuarially reduced pension before reaching the age of fifty-five (55) years and receive as pension a reduced sum which is actuarially equivalent to the age of such pensioner at the time of retirement or termination and which such sum shall be as follows:

Age of Optional Commencement Date	Acturially Equivalent Percentage of Retirement
45	52.31
46	55.50
47	58.94
48	62.67
49	66.71
50	71.11
51	75.89
52	81.12
53	86.83
54	93.10

Any such employee having elected such actuarially reduced pension shall not hereafter be entitled to make any claim to any different type of pension than that requested at such time. Likewise, any employee of the board who has retirement credit of as much as twenty-five (25) years of age, upon making written application to the board therefor, shall, without medical examination or disability, be retired from service of the board and upon such retirement the board shall direct the payment to such retiring employee, monthly or semi-monthly, a sum equal to fifty-five percent (55%) of the monthly compensation received by such employee as salary at the time of his or her retirement, or an amount equal to fifty-five percent (55%) of the average compensation of such employee over the then past five (5) calendar years, whichever shall be the greater; and any employee of the board who shall have retirement credit of as much as thirty (30) years, upon making written application to the board therefor, shall, without medical examination or disability, be retired from service of the board and upon such retirement the board shall direct the payment to such retiring employee, if he or she be then more than fifty-five (55) years of age, monthly or semi-monthly, from the fund, a sum equal to sixty percent (60%) of the average compensation of such employee over the then past five (5) calendar years, whichever shall be the greater; provided that in the event of either twenty-five (25) years retirement credit or thirty (30) years retirement credit, such employee shall be entitled to elect at the time of retirement, or within sixty (60) days from the date of termination of his or her employment, an actuarially reduced pension as in the case of a person retiring with twenty (20) years retirement credit, and the amount of such pension shall be paid according to the table hereinbefore set forth for an actuarially reduced pension.

"Section 14. Whenever an active or retired employee of the board shall die there shall be appropriated and paid from the said funds the sum of one thousand dollars ($1,000.00) for funeral and burial expenses of such deceased employee, which such sum shall be used for such funeral and burial expenses and paid out on order of the superintendent.

"Section 15. In the event of the death of a married employee and if at the time of such death the employee (a) is in the active employment of the board, or (b) is receiving a pension either for disability, as provided herein, or for longevity, a pension shall be paid his or her spouse. The annual amount of such spouse's pension (which shall be payable monthly or semi-monthly) shall be equal to one-half (½) of the amount of pension which the deceased employee, if on a disability pension, was receiving or entitled to receive at the time of his or her death; or one-half (½) of the amount which the deceased employee, if actively employed, would have been enti-

tled to as a pension upon attaining age fifty-five (55) years, or immediately if he or she is then age fifty-five (55) years or older as the case may be, if he or she had retired instead of dying on the day of his or her death. In no event, however, will the amount of such spouse's pension be less than ten percent (10%) of the annual compensation of the employee at the time of his or her death, or ten percent (10%) of his or her average annual compensation over the then past five (5) calendar years, whichever shall be the greater. Each such spouse's pension shall be increased by ten percent (10%) of the annual compensation at the time of his or her death, or ten percent (10%) of his or her average annual compensation over the then past five (5) calendar years, whichever shall be the greater, of the deceased employee thereof on account of each child under the age of eighteen (18) years; provided, however, that such child or children shall be the natural children of the deceased employee or the spouse, or shall have been legally adopted prior to the death of the employee. Each such additional ten percent (10%) of the spouse's pension shall cease upon the attainment of the age of eighteen (18) years by the child on whose account such additional pension is payable or upon such child's earlier death.

"On the death of a single parent employee (or any employee divorced or legally separated from his or her spouse), leaving a child or children under the age of eighteen (18) years, provided such children are the natural children of the deceased employee or employee's spouse, or were legally adopted prior to the date of death of the employee, the part of the spouse's pension that would have been paid on behalf of each such child shall be doubled and paid to the legally appointed guardian of such child (if any there be) and if not to the person in whose care or custody such child shall be, or such other suitable person as directed by the board (and such payment to such person shall be a complete release for the board and for the trustee of this pension plan) on an annual basis (payable monthly or semi-monthly) up to and including the year in which such child attains the age of eighteen (18) years or on such child's earlier death.

"No spouse's benefits shall be paid if the spouse's marriage was contracted while the employee was receiving a disability pension from the pension fund, or within one (1) year prior the date of death of an employee or if contracted while the employee was receiving a disability pension from the pension from the fund, or within one (1) year prior the date he or she became a disability pensioner hereunder; or if at the date of death of the employee there is in existance a judgement or decree of seperation in favor of the deceased against the spouse in any court of competent jurisdiction, or if a decree or agreement exists whereunder the deceased is no longer obligated to support his or her spouse.

"In the event of the remarriage of a spouse who is receiving a spouse's pension, such spouse shall receive a lump sum payment of three (3) times the annual pension then payable to him or her, including in the computation of such pension the additional pension being paid on account of children under the age of fifteen (15) years. For those children over the age of fifteen (15) years and not yet eighteen (18) years at the time of the remarriage of the spouse, such spouse will receive the amount that would have been paid such children until they reached the age of eighteen (18) years had such spouse not remarried. This lump sum payment will be made in lieu of and in full discharge of all further pension payments which the spouse (or children) would otherwise have been entitled to receive.

"In the event of the death of a spouse receiving a spouse's pension from the pension fund, together with an additional amount on behalf of the dependent children under the age of eighteen (18) years, the spouse's pension inclusive of any amount received by him or her on account of such children shall cease, but each of such dependent children shall receive through his or her legal guardian (or to the person and under the conditions as herein before set forth, and with the same relief of responsibility to the board and to the trustee under this act) an annual pension (payable monthly or semimonthly) the amount of which for each dependent child shall be double the amount allowed for him or her in the augmented spouse's pension. Each such orphan's pension shall cease after the month in which the child on whose account such pension is payable attains the age of eighteen (18) years or upon such child's earlier death, it being understood that the proper payment shall be made upon the eighteenth (18) birthday of such child, but thereafter no payments shall be made to such child.

"Section 16. In all matters involving the disability or sickness of an employee of the board, the board, or such other body as may be designated by the board shall have such disabled member, or such sick member, as it sees fit, examined by a reputable physician who shall make his report in writing to the board and to the employee. Any employee who refuses to allow a reasonable examination by such physician on the authority referred to herein, shall, during the continuance of such refusal, be barred from receiving any benefits whatsoever under this act.

"Section 17. The benefits provided for the employees of the board hereunder shall not be reduced or prorated among those properly entitled to receive from said funds and should, at any time, the fund be insufficient to pay in full the benefits and to defray the expenses for, it shall be the duty of the board to make provisions therefor in accordance with the provisions of this act.

"Section 18. There shall be kept by the Superintendent of the board, or by a person designated by him, a book to be known as the 'List of Retired Employees.' Such book shall also give a full and complete history and record of action of the board in retiring any and all employees under this act, showing the names, date of retirement, date of entering service to the board, periods of employment, and the reason for such retirement, if any.

"Section 19. The board may, at its discretion, create a separate supervisory board to carry out the provisions of this act, such supervisory board to be known as the 'Board of Pensions' and shall consist of not less than three (3) nor more than five (5) reputable bona fide residents of the board's service area, who shall serve terms to be designated by the board, and shall be subject to removal by the board at any time. Whenever such Boards of Pensions shall be created it shall have the same ministerial power as herein conferred on the board, and all reference in this act made to the board shall, so far as is practicable, be also applicable to the Board of Pensions; provided, that any suit brought on behalf of the Board of Pensions under the provisions of this act shall be brought in the name of the board. Neither members of the board nor the Board of Pensions, whichever the case may be, shall be entitled to expenses or a salary in connection with their duties under the terms of this act.

"Section 20. This act shall apply to all permanent employees of the board who are now or who may hereafter be in the employment of the board, except for officers or directors appointed by the legal appointing authority. However, in no event shall payment of benefits or any other sums, including refunds hereunder, commence until the first day of August 1957.

"Section 21. That if any section, paragraph, sentence, clause, word, or other provision of this act shall be held or declared to be unconstitutional or void it shall not effect or destroy the validity or constitutionality of any other section, paragraph, sentence, clause, word or provision of this act which is not itself void or unconstitutional, it being the expressed intent of the legislature that such remaining valid portions of this act would have been adopted by the legislature in any event.

"Section 22. Whenever any employee who contributes to the fund provided for by this act shall have retirement credit of at least five (5) full years, he or she, upon being separated from the services of the board under circumstances not entitling him or her to benefits hereunder, shall be entitled to repayment from the fund of fifty percent (50%) of all amount contributed by him or her, but without interest.

"Section 23. The board shall obtain an actuarial study of the

employees' pension plan every two (2) years, and shall take action based on each such acturial study to insure that the pension plan remains actuarially sound.

"Section 24. This act shall take effect immediately upon its passage and approval by the Governor; provided, that this act shall never be construed nor enforced so as to authorize any municipal authorities to grant any extra compensation, fee, or allowance to any individual other than an employee of the board, nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but this act shall be construed to the effect that all funds or monies paid out or expended under and by virtue hereof shall be paid for services to be performed or duties to be discharged in the future by employees to whom such payments are made."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-808 H. 166—Rep. Buskey (James)

AN ACT

To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. Any retired member of the police or fire departments of the City of Mobile who was retired from the service of such department after October 1, 1977, and before May 4, 1978, shall be entitled to an adjustment in his retirement benefits equal to 50% of any blanket pay raise or any increased pay resulting from any salary plan revision, granted to active employees of the same class that said retired member held on the date of his retirement; provided, however, such adjustment shall not be applicable to the retirement allowance payable to any person designated by said retired member to continue to receive his allowance after such member's death.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or part of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-809 H. 155—Rep. Harper

AN ACT

Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, notwithstanding any law to the contrary, the judge of probate is hereby authorized to sell, at the rate of .05¢ per name, the list of names and addresses of all qualified voters of requested wards and precincts within the county, to any candidate for federal, state, district, county or municipal office who has qualified for said office with the appropriate official. All proceeds from the sales of said lists shall be deposited into the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-810 H. 172—Rep. Buskey (James)

AN ACT

Relating to the City of Mobile; amending Section 22 of Act No. 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for police and fire department members, so as to allow any member of the system to withdraw from participation at any time.

Be It Enacted By the Legislature of Alabama:

Section 1. Section 22 of Act No. 243, H. 278, 1964 First Spe-

cial Session (Acts 1964, p. 326), is hereby amended to read as follows:

"Section 22. Any member of the Police or Fire Department of the City of Mobile may elect at any time not to come within the provisions of this Act, and should he so elect, no part of his salary shall be deducted for the Pension and Relief Fund. His election must be in writing, signed by him, and filed with the Board of Pensions. Thereafter, he shall not be allowed to come within the provisions or be entitled to the benefits of this Act, unless he first makes application to the Board of Pensions, and such Board may use its discretion in the premises, but said persons shall not be credited for services in the Police or Fire Departments for the time during which he was not bound by the provisions of this Act.

"Any member may withdraw from participation in the Pension and Relief System at any time upon filing with the Board of Pensions on a form prescribed by such Board a notice of his election to withdraw from the System. Any such member who elects to withdraw shall be entitled to have his contributions to the Fund paid to him upon demand at the time of his withdrawal."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-811 H.J.R. 127—Reps. Kennedy, Clark (W), Buskey (James), Holmes, Buskey (John), Bryant, Black, Grayson, Horn, Spratt, Perdue, Rogers, McDowell, Melton, Reed, Escott, McNair, Davis, Thomas

HOUSE JOINT RESOLUTION

COMMENDING MISS DEBRA ANN HUNTLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

WHEREAS, the Alabama Legislature, in commendation and gratitude, herein extends highest recognition of outstanding service rendered by Miss Debra Ann Huntley, who as Program Officer with

the Southern Regional Council, assigned to the Montgomery Legislative Research Office, has worked closely with the Alabama Legislative Black Caucus; and

WHEREAS, in association with the Council, and Caucus, since 1982, Miss Huntley has been charged with coordinating all Alabama Legislative and political activities and with the supervision of interns assigned to the Legislature through SLRC; and

WHEREAS, in further responsible assignment by the Council as a Legislative Assistant, Miss Huntley also has provided invaluable research and analysis on specific and indentifiable issues, served in public relations capacity, and has administered all the duties and functions of the Montgomery SLRC office, among other weighty duties; and

WHEREAS, an alumnae of Auburn University, Miss Huntley has been previously employed by several radio and television stations, newspapers, Auburn University and Tuskegee Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Miss Debra Ann Huntley and express our deep appreciation, as well, for her assistance to the Alabama Legislative Black Caucus.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Miss Huntley that she may know of our sincere regard and warm best wishes for her every future success.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-812 H.J.R. 124—Rep. Zoghby

HOUSE JOINT RESOLUTION

COMMEMORATING TWENTY-FIVE YEARS OF SERVICE BY THE SISTERS OF MERCY TO SAINT PIUS X PARISH IN MOBILE, ALABAMA.

WHEREAS, the parishioners of Saint Pius X Parish in Mobile, Alabama, recently celebrated, in thanksgiving, the twenty-fifth anniversary of service by five Sisters of Mercy from Saint Mary's Convent, Limerick, Ireland; and

WHEREAS, upon arrival in Mobile in the summer of 1959,

these worthy servants of God opened a new house of the Mercy Order to establish and staff Saint Pius X School; and

WHEREAS, Saint Pius X School, which received State accreditation in 1977, has achieved an enviable record in graduating substantial members of the community who are extensively established throughout the business and professional world, and whose success and achievements reflect the values instilled while students at Saint Pius School; and

WHEREAS, though the entire Mobile community has great cause for gratitude, the parishioners of Saint Pius X Parish are most particularly indebted to the Sisters of Mercy for their contributions of the past twenty-five years, and for their continuing role as a source of hopeful anticipation for the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep sincerity of gratitude, we herein express warm and heartfelt congratulations to the Sisters of Mercy on their twenty-fifth anniversary of service to Saint Pius X Parish, Mobile, Alabama, and direct that the Order receive a copy of this resolution in small token of our highest regard.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-813 H.J.R. 123—Rep. Zoghby

HOUSE JOINT RESOLUTION

COMMENDING FATHER FRANCIS VINCENT CUSACK UPON THE THIRTIETH ANNIVERSARY OF HIS ORDINATION TO THE PRIESTHOOD.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Father Francis Vincent Cusack on the 30th anniversary of his ordination to the priesthood; Father Cusack currently serves as pastor of Saint Pius X Church in Mobile, Alabama; and

WHEREAS, a native of Newbridge, County Galway, Ireland, Father Cusack studied for the priesthood at Saint John's Seminary, Waterford, and celebrated his first Mass on June 18, 1954 at Saint Patrick's Church in Newbridge; and

WHEREAS, since coming to the United States, Father Cusack has served several parishes in the Archdiocese of Mobile and in first capacity as Assistant Pastor at Saint Peter's Church in Montgomery

and as part-time teacher of religion at Montgomery Catholic High School; he has since successively served as administrator of Saint Peter's, as pastor of Saint Maurice Church in Brewton and as pastor of Saint Bede Church in Montgomery immediately prior to his assignment at Saint Pius X Church; and

WHEREAS, Father Cusack, in response to his call to the priesthood, has indeed been richly blessed by God; his contributions to the many parishes he has served have multiplied in proportion to the dedication of his works, and his parishioners have been beneficiaries of his accomplishments on their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate with highest commendation Father Francis Vincent Cusack on the occasion of the 30th anniversary of his ordination to the priesthood.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Father Cusack of Saint Pius X Church in Mobile, Alabama.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-814 H. 122—Reps. Cosby, Drake, Holley, Faulk, Carter, Blake, Fuller

AN ACT

To exempt electric cooperatives and electric membership corporations organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama of 1975, as amended, to establish an effective date of January 1, 1983, to repeal laws inconsistent therewith and to provide that the provisions of the Act are severable and that if any provision is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Be It Enacted by the Legislature of Alabama:

Section 1. Electric cooperatives organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, shall be exempted from all provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48 of the Code of Alabama of 1975, as amended.

Section 2. Upon the passage of this Act and its approval by the Governor, or upon its otherwise becoming a law, this Act shall be effective on January 1, 1983.

Section 3. All laws inconsistent herewith are hereby superseded by the provisions of this Act.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall constitute a new Section 30 of Article 1 of Chapter 6 of Title 37 of the Code of Alabama of 1975, as amended.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-815 H. 131—Rep. Crow

AN ACT

To provide for the department of public safety to issue special nondriver identification cards for retarded persons and to prescribe a certain issuance fee for such cards with the proceeds from such fees earmarked to said department.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the drivers' licenses and nondriver identification cards provided for in Section 32-6-4 of the Code of Alabama 1975, the director of the state department of public safety shall promulgate the necessary rules and regulations for the issuance of special nondriver identification cards for retarded persons with color photographs of such retarded persons thereon. For the purpose of defraying the cost of issuing such identification cards, the judge of probate or license commissioner shall collect for each card the sum of $2.00 for a eight-year card and after retaining a fee of $.25 for each card issued, such judge or commissioner shall remit the remaining $1.75 to the state treasurer for use by the department of public safety according to the same procedures prescribed in Section 32-6-5 of the Code of Alabama 1975 for reporting collections on drivers' licenses and nondriver identification cards.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This bill shall become effective on the first day of the fifth month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-816 H. 175—Reps. Bachus, Holley, Coleman, White (G), Harvey, Mitchell, Hooper, Beers, Blakeney, Starr, Turner, Rogers, Marietta, Laird, Mikell, Gaston, Kvalheim, Trammell, Burke, Lindsey, Campbell, Brooks, Brakefield, Horn, Harper, Spratt

AN ACT

To exempt from state income taxation certain income earned by a foreign missionary while serving out of this country and to provide retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. All income earned from any missionary service rendered by a foreign missionary while he or she is physically present in a foreign country or countries for a minimum of twenty-four months and is employed or appointed by a church or other like religious organization is hereby exempted from any state income taxation or like taxation by whatever name called.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall have retroactive effect to January 1, 1984.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-817 H. 14—Rep. Butler

AN ACT

Relating to Madison County; amending Act No. 951, H. 2010, 1973 Regular Session, (Acts 1973, p. 1459) which provides for the meeting days of the board of registrars, so as to increase said days.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 951, H. 2010, 1973 Regular Session, (Acts 1973, p. 1459) is hereby amended to read as follows:

"Section 1. The board of registrars of Madison County shall meet at the county courthouse for the purpose of registering voters on the first Monday in each month, and may also meet an additional two hundred and twenty (220) days in each calendar year any place in the county that it may select."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-818 H. 41—Rep. White (L)

AN ACT

Relating to Tallapoosa County; amending Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement, and to provide for mileage; providing for retroactive effect; and repealing Act No. 80-681, H. 1125, Regular Session 1980 (Acts 1980, p. 1367), Act No. 80-784, S. 606, Regular Session 1980 (Acts 1980, p. 1681), and Act No. 111, H. 86, 2nd Special Session 1978 (Acts 1978, p. 1827), relating to such salary and mileage.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), is hereby amended to read as follows:

"Section 2. Each member of the board of registrars of Tallapoosa County shall receive forty dollars ($40) per day to be paid by the county on the order of the probate judge for each day's attendance of the registrar upon the sessions of the board. The per diem provided herein shall be payable from the general fund of Tallapoosa County and shall be in addition to the compensation prescribed for registrars by the general law."

Section 2. In Tallapoosa County, the members of the Board of Registrars shall be entitled to receive a mileage allowance of 20 cents per mile to and from the Dadeville County Courthouse for attendance at official meetings of the board. The mileage allowance provided for by this act shall be in addition to any and all other salary, compensation and allowances provided for by law and shall be paid out of the county general fund.

Section 3. The operation of this act shall be retroactive to January 1, 1984, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 4. Act No. 80-681, H. 1125, Regular Session 1980 (Acts 1980, p. 1367), Act No. 80-784, S. 606, Regular Session 1980 (Acts 1980, p. 1681), and Act No. 111, H. 86, Second Special Session 1978 (Acts 1978, p. 1827), are hereby specifically repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-819 H. 108—Rep. Harper

AN ACT

Relating to the Mobile County Solid Waste Management Program and the residence, appointment and number of the Solid Waste Management Advisory Board; amending Section III of Act No. 81-450, H. 825, of the 1981 Regular Session (Acts 1981, p. 773) therefor; making the provisions retroactive to any term effective after May 7, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. Section III of Act No. 81-450, H. 825, of the 1981 Regular Session (Acts 1981, p. 773) is hereby amended to read as follows:

"SECTION III. SOLID WASTE MANAGEMENT ADVISORY BOARD.

"1. APPOINTMENT: There is hereby created a Solid Waste Management Advisory Board consisting of eleven (11) members: one shall be a member of the County Commission of Mobile County, Alabama, one shall be the Solid Waste Coordinator, two shall be appointed by the Senators of the Mobile County Legislative Delegation, two shall be appointed by the Representatives of the Mobile County Legislative Delegation, one at large shall be appointed by all other appointees, one shall be appointed by the Sheriff of Mobile County, one shall be appointed by the County Commissioner of District 1, one shall be appointed by the County Commissioner of District 2, and one shall be appointed by the County Commissioner of District 3. All members shall reside in the unincorporated area of Mobile County.

"2. TERMS: The Solid Waste Management Advisory Board

members shall serve for a term of four (4) years; provided, however, in the initial term the member from the County Commission shall serve for four (4) years; the Director or his duly appointed designee shall be a permanent member of the Advisory Board, and the remaining members appointed shall serve for a period of two (2) years.

"3. APPOINTED MEMBERS: Appointed members of the Advisory Board shall serve at the pleasure of the Board and may be removed by a majority vote of the Board.

"4. ORGANIZATION—MEETINGS: The Advisory Board shall, within thirty (30) days after its full appointment, hold a meeting at which it shall elect its officers and adopt bylaws governing the conduct of its business. The Board shall meet not less than one (1) time in each quarter year. The Chairperson, the Mobile County Commission, or a quorum of the Advisory Board may call an emergency meeting at any time.

"5. DUTIES: The Advisory Board:

"A. May review permit application forms and recommend revisions thereof, which shall be consistent with the terms of this bill.

"B. May make recommendations for the revision of this bill.

"C. Shall make recommendations to the Mobile County Commission for establishing or altering rates, charges, or fees required by the bill. It may make such recommendations to the Director as are authorized by its bylaws.

"D. May attend any hearings held by the Director regarding complaints arising from the administration of this bill. The Advisory Board may make recommendations to the Director which, in its opinion, would alleviate the cause of such complaints. In all such hearings, the Advisory Board shall participate through the Director only and all recommendations shall be in writing."

Section 2. The provisions of this act shall have retroactive effect to any term beginning after May 7, 1984.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-820 H. 128—Rep. Thomas

AN ACT

Relating to Lowndes County; providing for a chief clerk and clerk for the probate judge; prescribing the duties and setting the salaries for such clerks; and repealing

Act No. 119, H. 115, 1978 Second Special Session (Acts 1978, p. 1835), relating to compensation for such clerks.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Lowndes County is hereby authorized to employ one person as a chief clerk, who shall be appointed by the probate judge, to perform clerical services for the probate judge in his office. The county governing body is authorized and directed to pay the said chief clerk the sum of not more than $900.00 per month. Such sum shall be payable out of the funds of the county treasury. The exact amount shall be set by the county commission.

Section 2. The county governing body of Lowndes County is hereby authorized to employ a clerk to work in the office of the judge of probate, from time to time, as it deems necessary, which clerk shall be appointed by the judge of probate. The county governing body is authorized to pay said clerk for work performed at any time during each calendar year a sum not to exceed $750.00 per month. Said sum shall be payable out of the funds of the county treasury and the exact amount shall be set by the county commission.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. Act No. 119, H. 115, 1978 Second Special Session (Acts 1978, p. 1835), and all laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-821 H. 130—Reps. Hettinger, Albright

AN ACT

Relating to Madison County; prescribing salaries, supplements and expense allowances for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the effective date of this act, the salaries, supplements and expense

allowances of certain officers of Madison County, Alabama, shall be as follows:

a—The county coroner shall receive an annual salary of $8,400.00;

b—The chairman of the county commission, shall receive an annual salary of $33,500.00 for the remainder of the present term and beginning with the next term such annual salary shall be $38,000.00; in addition to such salary, said chairman shall receive an annual expense allowance of $5,000.00;

c—Each associate county commissioner shall receive an annual salary of $25,000 for the remainder of the present term and beginning with the next term such annual salary shall be $29,500.00; in addition to such salary, such commissioners shall each receive an annual expense allowance of $3,500.00;

d—The judge of probate shall receive an annual salary of $38,000.00 beginning January 15, 1985;

e—The sheriff shall receive an annual salary of $31,000.00 for the remainder of the present term with annual salary adjustments at the beginning of each fiscal year being equal to the yearly average for the consumer price index until such salary reaches $37,500.00; and, beginning with the next term such annual salary shall be $37,500.00; in addition to such salary, the sheriff shall receive an annual expense allowance of $2,000.00;

f—The tax assessor and the tax collector shall each receive an annual salary of $28,500.00 with annual salary adjustments being tied to the yearly average for the consumer price index since the last adjustment in their salaries; said tax officials shall continue to receive expense allowances as now provided by law; and

g—The circuit clerk shall receive an annual county salary supplement of $5,000.00.

The salaries, salary supplements and expense allowances prescribed herein shall be paid in equal monthly installments from the county general fund on warrants processed in the usual manner and shall be in lieu of any other annual salaries, salary supplements and expense allowances heretofore provided by law for such county officers.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-822 H. 139—Rep. Harvey

AN ACT

Relating to Blount County; to create a motor vehicle license division within the Revenue Commissioner's office for the issuance of motor vehicle licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses by the Revenue Commissioner's office; to transfer certain duties now performed by the Probate Judge to said Revenue Commissioner, and to provide for the compensation of the Revenue Commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created within the Revenue Commissioner's office of Blount County a license division which shall issue all motor vehicle licenses issued through the Revenue Commissioner's office. The county commission shall furnish suitable quarters and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county commission shall also provide such clerks, and other assistants for the Revenue Commissioner as shall be necessary from time to time for the proper and efficient performance of the duties of his office. The Revenue Commissioner shall have authority to employ such clerks, and other assistants, and to fix their compensation; however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county commission. The compensation of the clerks and assistants shall be paid out of the general fund of the county in the same manner as other county employees are paid.

Section 2. The Revenue Commissioner shall perform all duties relating to the issuing of licenses on motor vehicles in the county which have heretofore been performed by the Probate Judge. The Probate Judge of Blount County is hereby relieved of all duties and responsibilities relative to the issuance of licenses and collection

of certain monies on such motor vehicles. The Revenue Commissioner shall receive the commissions and fees now allowed the Probate Judge for performing these functions, and such fees and commissions shall be remitted to the county general fund. Reporting and remitting of such monies shall be made at the same time as other reports and remittances are now made by the Revenue Commissioner.

Section 3. The Revenue Commissioner shall keep at all times an accurate record of all motor vehicle licenses received by him from the state comptroller and of the disposition made of them, of all monies received, and of the licenses issued by him. He shall report to the state comptroller at the same time and in the same manner that other officials with said duties are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that said officials are required to account for by law.

Section 4. Except as hereinafter provided, the Revenue Commissioner shall be entitled to charge and collect the same fees that are provided for by law. For the performance of duties relative to the recording of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said Revenue Commissioner shall charge and collect a fee of $1.00. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 5. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the Revenue Commissioner until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said Revenue Commissioner. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation purposes to said Revenue Commissioner who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this act.

Section 6. Before any vehicle can be assessed, the Revenue Commissioner shall be furnished the tag number presently on the

vehicle unless such vehicle is new, in which case said Revenue Commissioner shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said Revenue Commissioner shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number or bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October.

Section 7. The Revenue Commissioner may, at his discretion, mail an application for renewal of licenses to whom such license has been previously issued, such renewal forms required to be returned prior to the expiration date of the license. Such renewal forms may be in post card form and with sufficient information thereon to adequately identify and process such renewal. The signature of the licensee thereon and proper remittance shall constitute sufficient authority for the Revenue Commissioner to issue such license and return to the licensee by mail. There is hereby established a fee to be entitled "Mail Order Fee" which shall be set from time to time by the county governing body to pay the cost of the mailing procedure herein provided, and such fee shall be collected by the Revenue Commissioner at the time of issuance and paid over to the general fund of the county as are other fees and commissions.

Section 8. The salary of the Revenue Commissioner shall be $32,500 annually and shall be paid in accordance with Sections 40-6A-1 through 40-6A-8, Code of Alabama 1975.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective October 1, 1984.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-823 H. 142—Rep. Harvey

AN ACT

Relating to Blount County; to require the placing of the name and address of certain parties on legal documents filed for record in the probate office; to relieve the judge of probate from damages or penalty for any error or mistake in the performance of the duties prescribed by this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County no probate judge shall receive for record or permit the recording of any instrument in which the title to real property, or any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, unless such an instrument has endorsed on it, a printed, typewritten or stamped statement showing the name and address of the grantee in said instrument.

Section 2. The probate judge shall not be liable in damages or penalty for any error or mistake in the performance of the duties prescribed by this Act if committed in good faith.

Section 3. Any person who falsifies or is a party to the falsification of such a statement as described in Section 1 hereof, shall be guilty of a misdemeanor.

Section 4. Section 1 of this Act shall not apply to any will, decree, court order or judgment; to any instrument executed or acknowledged prior to the effective date hereof; nor to any instrument executed or acknowledged outside of the county or counties to which this Act applies.

Section 5. All laws or parts of laws, whether general or special or local, in conflict with the provisions of this Act are hereby repealed to the extent that they conflict with this Act.

Section 6. If any provision or part of this Act is held invalid, it shall not affect the validity of the remaining parts of this Act.

Section 7. This Act shall become effective October 1, 1984.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-824 H. 196—Rep. Clark (J)

AN ACT

Relating to selling and redeeming lands for taxes in Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Barbour County.

Section 2. The procedure for selling and redeeming lands for taxes in such county shall be the same as provided in Code of Alabama 1975, Title 40, amended, except that all such duties as are required of and are performed by the Judge of Probate shall be transferred to and be performed by the Tax Collector of said County, and the Judge of Probate shall be relieved of all such duties.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-825 H.J.R. 83—Rep. Harper

HOUSE JOINT RESOLUTION

DIRECTING THE PERMANENT ALABAMA OIL AND GAS STUDY COMMITTEE TO PERFORM CERTAIN FUNCTIONS RELATIVE TO THE PROPOSED AUGUST 14, 1984, OFFSHORE OIL AND GAS LEASE LETTING.

WHEREAS, the Permanent Joint Committee to Study Oil and Gas, known as The Alabama Oil and Gas Study Committee was created pursuant to Act No. 83-761, S.J.R. 256 of the 1983 Regular Session (Acts 1983, p. 1306) and it was charged with the continuing study of the oil and gas industry in our state and fiscal opportunities and liabilities for the state; and

WHEREAS, the department of Conservation and Natural Resources has announced that on August 14, 1984, the State of Alabama will open bids on offshore oil and gas leases on possibly 58 or more tracts; and

WHEREAS, the potential revenue generated for the state from such offshore oil and gas leases is in the millions; and

WHEREAS, recent news accounts have reported that Alabama has lost $1.5 billion in federal aid since 1981 and ranks 17th nationally in losses per capita; Alabama ranks third in cuts for child nutrition and fifth in job training cut-backs despite the state's high unemployment experience; and

WHEREAS, the public has a deep and abiding interest in the financially sound and honest expenditure of this vast sum of public money; and

WHEREAS, the Alabama Legislature has an overriding responsibility to the citizens of this state to oversee the administration and expenditure of all public funds in the wisest manner possible; and

WHEREAS, the needs of state government and revenue priorities have drastically changed since 1981; and

WHEREAS, the state general fund, without long-term income planning, will cause chaotic consequences for all operations of government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct the permanent Alabama Oil and Gas Study Committee to study any and all facets of the best utilization and investment of the said offshore oil and gas revenues from the leases, proposed to be let on August 14, 1984, and the immediate and long-term impact of the various alternatives based on present and projected needs of state government and the condition of the various state funds and to report its findings and conclusions to the members of the Alabama Legislature not later than August 1, 1984.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to each member of the permanent Alabama Oil and Gas Study Committee.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-826 H. 63—Reps. Zoghby, Clark (W), Kvalheim

AN ACT

Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Mobile County, Alabama, is hereby authorized to extend, by resolution duly adopted and spread upon its minutes, the meeting days of the county board of registrars during the months of May, June and July.

Section 2. The operation of this act shall be retroactive to May 1, 1982, and all actions taken and payments made pursuant thereto on or after said date are hereby ratified and confirmed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-827 H. 65—Reps. Zoghby, Kvalheim, Gaston

AN ACT

To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), is hereby amended to read as follows:

"Section 2. (a) Members of the commission shall be elected at the general election to be held in November, 1960 and every four years thereafter, by the qualified electors of the entire district which they are seeking. In all primary and general elections held to choose members of the commission, the ballots shall separately designate and specify the places on such commission by number, and each candidate shall designate in the announcement of his candidacy the number of the place for which he is a candidate and such candidate shall have resided within and be registered to vote in that district at least 90 days prior to qualifying. Members of the commission must

be qualified electors of Mobile County. Each commissioner shall continue to reside within the respective district which he represents throughout his term of office. Any commissioner who resides outside of the district to which he was elected shall automatically forfeit his office upon changing such residences and shall relinquish office and all entitlements thereto immediately; the said district place shall be vacant immediately.

"(b) Every four years, the members of the commission shall elect one of their number as president of the commission at the first regular meeting held after their taking office. The person so elected shall serve as president during his term as a member of the commission, and until his successor is elected and qualified. Vacancies on the commission shall be filled by appointment by the Governor, but the office of president of the commission shall be filled by the members thereof. Any successor in office shall comply with the provisions of subsection (a) of this Section 2. Any person appointed to fill a vacancy shall serve the unexpired term, and until his successor is elected and qualified."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-828 H. 66—Reps. Zoghby, Clark (W), Kvalheim

AN ACT

To amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), is hereby amended to read as follows:

"Section 1. The Mobile County board of registrars shall be available each year, between August 1 and May 30, and on the first full week of that month in each the months of June and July, excluding those weeks in which a legal holiday falls, at the county courthouse, or at other locations, as provided by law, for the purpose of voter registration and voter reidentification. The board members

shall be available at the above-mentioned areas during the hours between 9:00 A.M. and 4:30 P.M. on regular business days or on such other days and at other hours as the board may deem necessary. Provided further, that the board shall visit each ward and each precinct in the county for voter registration and voter identification purposes at least once during each calendar year and shall be available for such purposes between the hours of 9:00 A.M. and 3:30 P.M. during such visits."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-829 H. 93—Rep. Harper

AN ACT

To amend Section 1 of Act No. 319, H. 593, of the 1976 Regular Session (Acts 1976, p. 353), which provided for a mosquito, rodent and other vector control ad valorem tax in Mobile County, so as to provide further for certain exemptions from such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 319, H. 593, of the 1976 Regular Session (Acts 1976, p. 353), is hereby amended to read as follows:

"Section 1. The Court of County Commissioners, Board of Revenue or like governing body of Mobile County is hereby authorized to levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem tax of one mill on each dollar's worth of taxable real and personal property in Mobile County for the administration, operation and maintenance of mosquito, rodent and other vector control activities to be carried out by the Mobile County Board of Health. Such tax shall be based upon the last preceding assessment for the State and County purposes commencing with the tax year beginning October 1, 1976; its collection shall conform to the collection of taxes from counties; and it shall constitute a lien against the property. The tax shall be added by the appropriate County Officials to the State and County tax bill immediately following the levy of such tax. Such taxes shall be subject to the same due and delinquency date, penalties, exemptions, and interest as are applied to the collection of all other ad valorem taxes. Provided, however, that all real and personal property owned and used

as community centers, ball parks, the Mobile Exploreum and recreational facilities by nonprofit businesses and corporations is hereby exempted from the special annual ad valorem tax levied herein."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-830 H. 94—Rep. Harper

AN ACT

Relating to Mobile County; providing that any political subdivision or agency of such subdivision within the county shall solicit competitive bids when leasing any warehouse, storage, shop, office space or land from or to any individual, association, corporation, partnership or other business entity and prescribing certain bid procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any political subdivision of Mobile County or any agency of such subdivision deems it necessary to lease any warehouse, storage, shop, office space or land for official business purposes from or to any individual, association, corporation, partnership or other business entity, it shall first have its purchasing agent solicit competitive sealed bids for such lease agreements by publication of notice thereof four times in a newspaper in Mobile County, Alabama, or for such length of time as purchasing agent may determine; provided, however, that the purchasing agent shall also solicit such sealed bids by sending notice by mail to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for such particular items as are set forth in such request. If any person, firm or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three such solicitations, such listing may be cancelled by the purchasing agent, at his discretion. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of a permanent file or record and shall be open to public inspection.

Section 2. All leases subject to the provisions of Section 1 of this act may be for terms of up to five years before such leases must be rebid.

Section 3. The provisions of this act are severable. If any

part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-831 H. 95—Rep. Harper

AN ACT

Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads or bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in Mobile County.

Section 2. Any law to the contrary notwithstanding, the Mobile County governing body shall pay for the expense, from the county general fund or any county fund designated for roads or bridges, of relocating water pipes and lines outside of the municipal police jurisdiction when:

(a) owned by a rural water system or by a municipal or municipalities water system; and

(b) as a result of public roads maintenance or construction, or bridge repair or replacement which is contracted for by the county commission or executed pursuant to the direction of the county commission.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-832 H. 96—Rep. Harper

AN ACT

Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, all real and personal property owned and used as community centers, ball parks, the Mobile Exploreum and recreational facilities by nonprofit businesses and corporations is hereby exempted from county ad valorem taxation.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

Act No. 84-833 S. 93—Senator Foshee

AN ACT

To amend 1975 Code of Alabama, Sections 22-52-14 and 22-52-17, which relate to mental health evaluations and commitments so as to require all probate judges to utilize mental health facilities of the State of Alabama when available and to establish rates for attorney services in representing indigent persons.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-52-17, 1975 Code of Alabama is hereby amended to read as follows:

"Notwithstanding any other language in this article, the follow-

ing limitations shall apply. No public facility other than the department of mental health may be required (as distinguished from authorized) by the probate court to perform any mental evaluation of a person sought to be committed for use in any final commitment hearing except:

(1) In an emergency case wherein no other source or agency which is funded or mandated by federal law, state law or both to provide such services is objectively capable of performing such evaluation within the time limit imposed by law; or

(2) In an emergency case wherein no other source or agency operates to perform such evaluation in such emergency case, a public hospital may be required to accept a person sought to be committed for the provision of hospital care, if such person is admitted to the public hospital or other facility by a medical doctor who has agreed to provide professional services, including evaluation of the patient, prior to admission to the public hospital or other facility.

In all stages in the proceedings, including final commitment, public facilities may be utilized only with and upon their concurrence and upon written certification by the department of mental health that no facility of the mental health department is available or capable of performing said mental evaluation. The probate judge shall order and the sheriff shall deliver said person to the nearest available facility of the department of mental health for evaluation. The sheriff shall receive reimbursement for expenses in transporting said persons to and from the facility at the rate allowed in 1975 Code of Alabama, Section 36-7-20. The cost of conveying such person shall be taxed as costs of the proceeding."

Section 2. Section 22-52-14, 1975 Code of Alabama, is hereby amended to read as follows:

"In any commitment proceeding, the fees of any attorney appointed by the probate judge to act as advocate for the petition and any attorney or guardian ad litem appointed by the probate judge for the person sought to be committed shall be set at the rates established by 1975 Code of Alabama, Section 15-12-21; and any expert employed to offer expert testimony, in such amounts as found to be reasonable by the probate judge; and all other costs allowable by law shall be paid by the state general fund upon order of the probate judge; except, that if the petition is denied and the petitioner is not indigent and is not a law enforcement officer or other public official acting within the line and scope of his duties, all costs may be taxed against the petitioner, or if the petition is granted and the person sought to be committed is not indigent, the probate judge may order all costs paid from the estate of the person committed."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 14, 1984

Time: 4:00 P.M.

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1984 FIRST SPECIAL SESSION

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